
PERMITS AND REGULATIONS

This appendix includes:

- Carlsbad WRF Master Reclamation Permit (2001_0352)
- Gafner WRP Permit (2004_0223)
- Meadowlark WRF Permit (2007_0018)
- Ordinance 43 (Mandatory Use)
- Ordinance 45 (Rates and Cross Connection Control Program)
- Delegation Agreement Between the California Department of Health Services and the County of San Diego Department of Environmental Health.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. 2001-352

**MASTER RECLAMATION PERMIT
WITH WASTE DISCHARGE REQUIREMENTS
FOR THE PRODUCTION AND PURVEYANCE OF RECYCLED WATER**

FOR

**CARLSBAD MUNICIPAL WATER DISTRICT
CARLSBAD WATER RECYCLING FACILITY
SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On January 23, 1984, this Regional Board adopted Order No. 84-10, "Water Reclamation Requirements for the City of Carlsbad for the Purveyance of Reclaimed Water, San Diego County." Order No. 84-10 established requirements under which the City of Carlsbad could purchase wholesale reclaimed water from the San Marcos County Water District's Meadowlark Water Reclamation Plant and sell the water to various users within the city.
2. On May 20, 1991, this Regional Board adopted Order No. 91-60, "Water Reclamation Requirements for the Purveyance of Reclaimed Water by the Carlsbad Municipal Water District, San Diego County." Order No. 91-60 superseded Order No. 84-10 and added the Shadowridge and Gafner Water Reclamation Plants as additional recycled water suppliers.
3. On December 16, 1998, this Regional Board adopted Order No. 98-200. The order established water reuse areas and required the discharger to implement appropriate and reasonable measures to prevent the discharge of reclaimed water from the reclaimed water storage ponds at the North La Costa Golf Course to San Marcos Creek and Batiquitos Lagoon. The measures included the termination of the discharge to the reservoirs when there is a potential for overflow.
4. On December 5, 2000, this Regional Board received a Report of Waste Discharge (RWD) submitted by the Carlsbad Municipal Water District (CMWD) for the Carlsbad Water Recycling Facility.
5. The proposed Carlsbad Water Recycling Facility (CWRF) is to be owned and operated by the CMWD. The facility is located immediately south of the Encina Water Pollution Control Facility (EWPCF) in the city of Carlsbad in San Diego County in Hydrologic Subarea (HSA) 904.51.

6. Secondary effluent from the EWPCF is to be used as influent for the CWRf.
7. The RWD contains a conceptual process schematic of the proposed CWRf, describing the facility as consisting of storage basins, continuous backwash granulated media filter, microfiltration/ultrafiltration, reverse osmosis, chlorine disinfection, and thickener.
8. In accordance with section 2200, Title 23 of the California Code of Regulation, the threat to water quality and complexity of the use of the treated wastewater from the CWRf is determined to be category IIB.
9. The CMWD is authorized to purchase and use up to 5.0 MGD of recycled water from the Vallecitos Water District's Meadowlark Water Reclamation Plant and up to 2.0 MGD of recycled water from the Leucadia County Water District's Gafner Water Reclamation Plant.
10. All recycled water discharges from the CWRf and from water purchased by the CMWD are to occur in the CMWD recycled water service area. The recycled water service area of the CMWD encompasses portions of the El Salto Hydrologic Subarea (HSA 904.21), the Los Monos Hydrologic Subarea (HSA 904.31), the Encinas Hydrologic Area (HA 904.40), the Batiquitos Hydrologic Subarea (HSA 904.51), and the Richland Hydrologic Subarea (HSA 904.52). All of the aforementioned hydrologic regions are located within the Carlsbad Hydrologic Unit (HU 904.00). The Basin Plan established municipal and domestic supply, agricultural supply, and industrial process supply as existing beneficial uses of ground water in HU 904.00 and for the aforementioned hydrologic regions.
11. This Regional Board, acting in accordance with section 13244 of the California Water Code, adopted the Water Quality Control Plan for the San Diego Basin (9), (hereinafter Basin Plan) on September 8, 1994. The Basin Plan was subsequently approved by the State Water Resources Control Board (SWRCB) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Board and approved by the SWRCB. The Basin Plan contains beneficial uses and water quality objectives.
12. The Basin Plan states that waters designated for use as domestic or municipal supply shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels specified in the California Code of Regulations, Title 22, Table 64449-A of Section 64449 (Secondary Maximum Contaminant Levels, Consumer Acceptance Limits), incorporated by reference, including future changes to the incorporated provisions as the changes take effect. The Basin Plan lists the following additional ground water quality objectives for the following hydrologic regions in HU 904.00:

BASIN PLAN GROUNDWATER WATER QUALITY OBJECTIVES											(mg/L or as noted)		
(Concentrations not to be exceeded more than 10% of the time during any one year period)													
HYDROLOGIC AREA / SUBAREA	TDS	Cl	SO ₄	%Na ⁶	NO ₃	Fe	Mn	M B A S	B	O D O R	TURB NTU	COLOR UNITS	F
904.21 El Salto	3500	800	500	60	45	0.3	0.05	0.5	2.0	None	5	15	1.0
904.31 Los Monos ²	3500	800	500	60	45	0.3	0.05	0.5	2.0	None	5	15	1.0
904.40 Encinas	3500 ⁵	800 ⁵	500 ⁵	60	45 ⁵	0.3 ⁵	0.05 ⁵	0.5	2.0 ⁵	None	5	15	1.0
904.50 San Marcos ³	1000	400	500	60	10	0.3	0.05	0.5	0.75	None	5	15	1.0
904.51 Batiquitos ⁴	3500	800	500	60	45	0.3	0.05	0.5	2.0	None	5	15	1.0

¹The water quality objectives do not apply westerly of the easterly boundary of Interstate 5.

²The water quality objectives apply to the portion of Subarea 904.31 bounded on the west by the easterly boundary of the Interstate 5 right-of-way and on the east by the easterly boundary of El Camino Real.

³The water quality objectives do not apply to hydrologic subareas 904.51 and 904.52 between Highway 78 and El Camino Real and to all lands which drain to Moonlight Creek and Encinitas Creek.

⁴The water quality objectives do not apply to hydrologic subareas 904.51 and 904.52 between Highway 78 and El Camino Real and to all lands which drain to Moonlight Creek and Encinitas Creek. The water quality objectives apply to the portion of Subarea 904.51 bounded on the south by the north shore of Batiquitos Lagoon, on the west by the easterly boundary of the Interstate 5 right-of-way and on the west by the easterly boundary of El Camino Real.

⁵Detailed salt balance studies are recommended for this area to determine limiting mineral concentration levels for discharge. On the basis on existing data, the tabulated objectives would probably be maintained in most areas. Upon completion of the salt balance studies, significant water quality objective revisions may be necessary. In the interim period of time, projects of ground water recharge with water quality inferior to the tabulated numerical values may be permitted following individual review and approval by the Regional Board if such projects do not degrade existing ground water quality to the aquifers affected by the recharge.

⁶In some cases, Adjusted Sodium Adsorption Ratio (ASAR) may be a better indicator of the potential sodium hazard in irrigation water than percent sodium. The Regional Board may authorize the use of the ASAR instead of percent sodium to indicate the potential sodium hazard.

13. As stated in the Basin Plan, for discharges of recycled water not upgradient of municipal water supply reservoirs, numerical effluent limitations for constituents shall be at levels no lower than the quality of the basin's water supply concentration plus a typical incremental increase resulting from domestic water use, but not more than the Basin Plan ground water quality objectives.
14. A discharge in compliance with this Order will be consistent with the standards, policies, and regulations established in the Basin Plan for the achievement of water quality objectives.

15. For flows exceeding the existing storage capacity, the CWRP has authorization from the Encina Wastewater Authority to use the Encina Ocean Outfall, and as such is exempt from the required 84-day on-site storage capacity as required by the Basin Plan.
16. In establishing the requirements contained herein the Regional Board considered factors including, but not limited to, the following:
 - a. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose,
 - b. Other waste discharges,
 - c. The need to prevent nuisance,
 - d. Past, present, and probable future beneficial uses of the hydrologic subunits under consideration,
 - e. Environmental characteristics of the hydrologic subunits under consideration,
 - f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area,
 - g. Economic considerations,
 - h. The need for additional housing within the region, and
 - i. The need to develop and use recycled water.
17. The proposed project will make use of recycled water consistent with the goals of California Water Code, Division 7, Chapter 7, *Water Recycling Law*.
18. Pursuant to California Water Code (CWC) section 13523.1, this Regional Board, after consulting with, and receiving the recommendations of, the State Department of Health Services (State DHS) and any party who has requested in writing to be consulted and with the consent of the proposed permittee, issues a master reclamation permit to the recycled water supplier in lieu of issuing waste discharge requirements pursuant to CWC section 13263 or water reclamation requirements pursuant to CWC section 13523.
19. As specified by CWC section 13523.2, this Order includes the following: waste discharge requirements adopted pursuant to Article 4;
 - Requirements that the permittee comply with the uniform statewide criteria established by the State DHS pursuant to section 13521 and other applicable permit conditions for the use of recycled water;
 - Requirements for the discharger to establish and enforce rules and

- regulations for recycled water users in accordance with statewide reclamation criteria;
- Requirements for the submittal of quarterly recycled water use summary reports;
 - Requirements for the recycled water agency to conduct periodic inspections of the recycled water use sites; and
 - Other requirements determined to be appropriate by this Regional Board.
20. In accordance with the *Memorandum Of Agreement Between The Department Of Health Services And The State Water Resources Control Board On Use Of Reclaimed Water*, this Order incorporates any conditions of approval submitted as part of the State DHS recommendations into water reclamation requirements proposed for adoption by this Regional Board.
21. This Regional Board has considered all water resource related environmental factors associated with the proposed discharge of waste from the proposed CWRP.
22. This Regional Board has notified the CMWD and all known interested parties of the intent to prescribe master reclamation permit requirements for the proposed discharge.
23. This Regional Board in a public meeting has heard and considered all comments pertaining to the proposed discharge of waste from the CWRP.

IT IS HEREBY ORDERED THAT, the Carlsbad Municipal Water District (hereinafter Recycled Water Agency), in order to meet the provisions contained in Division 7 of the California Water Code and Regulations adopted thereunder, shall comply with the following requirements for the discharge and purveyance of recycled water from the CWRP to HA 904.40 and HSA 904.21, 904.31, 904.51, and 904.52.

A. PROHIBITIONS

1. Discharge of wastes to lands which have not been specifically described in the RWD and for which valid waste discharge requirements are not in force are prohibited.
2. Discharges of treated or untreated solid or liquid waste to a navigable water or tributary of a navigable water are prohibited unless as authorized by an NPDES permit issued by this Regional Board.
3. Neither the treatment, storage, nor disposal of waste shall create a

pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code.

4. The discharge of treated wastewater shall not cause a violation of the prohibitions contained in the Basin Plan.
5. Total daily effluent flow from the CWRP in excess of 4 million gallons is prohibited.

B. DISCHARGE SPECIFICATIONS

1. Effluent used for landscape irrigation purposes shall be treated to the most restricted level in conformance with all applicable provisions of California Code of Regulations, Title 22, Division 4, Chapter 3 (Reclamation Criteria) for landscaping irrigation (currently section 60304 (b) and 60320.5). Recycled water from the CWRP shall not contain constituents in excess of the following limitations:

CONSTITUENT	30-DAY AVERAGE (mg/L) ¹	DAILY MAXIMUM (mg/L) ²
Biochemical Oxygen Demand (BOD ₅ @ 20°C)	30	45
Total Suspended Solids	30	45
pH (within limits shown at all times)	6.0 – 9.0	

¹The 30-day average effluent limitation shall apply to the arithmetic mean of the results of all samples collected during any calendar month.

²The daily maximum effluent limitation shall apply to the results of a single composite or grab sample.

2. The median concentration of total coliform bacteria measured in the disinfected recycled water effluent from the CWRP shall not exceed a Most Probable Number (MPN) of 2.2 per 100 milliliters, utilizing the bacteriological results of the last seven days for which analyses have been completed; and the number of total coliform bacteria shall not exceed a MPN of 23 per 100 milliliters in more than one sample in any 30-day period. No sample shall exceed a MPN of 240 total coliform bacteria per 100 milliliters.
3. Turbidity concentration of the recycled water effluent from the CWRP shall not exceed a daily average value of 2 NTU (nephelometric turbidity units), shall not exceed 5 NTU more than 5% of the time during a 24-hour period, and shall not exceed 10 NTU at any time.
4. Discharges to a landscape impoundment must be terminated whenever

an overflow of the impoundment is imminent.

5. Recycled water from the CWRP shall not contain constituents in excess of the following limitations:

Constituent	Unit	Daily Maximum ¹	30-day Average ²	12-Month Average ³
TDS	mg/L	1200	--	1100
Chloride	mg/L	400	350	--
Sulfate	mg/L	400	--	350
Boron	mg/L	0.75	0.75	0.75
Iron	mg/L	0.4	0.3	0.3
Manganese	mg/L	0.06	--	0.05
Fluoride	mg/L	--	--	1.0
Methylene blue active substances	mg/L	--	--	0.5

¹The 30-day average effluent limitation shall apply to the arithmetic mean of the results of all samples collected during any calendar month.

²The daily maximum effluent limitation shall apply to the results of a single composite or grab sample.

³The 12-month average effluent limitation shall apply to the arithmetic mean of the results of all samples collected during any 12 consecutive calendar month period.

C. RECYCLED WATER PURVEYANCE REQUIREMENTS

1. Prior to the initiation of the purveyance of recycled water project, the Recycled Water Agency must complete all of the following:
 - a. Develop and submit for approval *Rules and Regulations for Recycled Water Users* governing the design and construction of recycled water use facilities and the use of recycled water to the Regional Board, the State DHS and the County of San Diego Department of Environmental Health (County DEH). Rules and regulations shall, at a minimum, include the requirements that are contained in Attachment No. 1 of this Order.
 - b. Develop and submit for approval a program to conduct compliance inspections of recycled water reuse sites to the Regional Board, State DHS and County DEH. Inspections shall determine the status of compliance with the Recycled Water Agency's approved rules and regulations for recycled water users.
 - c. Submit a report to the State DHS and the County DEH containing the information listed below. The Recycled Water Agency may submit a Master Plan report that covers more than one reuse site. The report shall include a detailed description of each reuse site identifying all of the information below:

- (1) The number, location, and type of facilities within the use area proposing to use domestic and recycled water. "Facility" means any type of building or structure, or defined area of specific public use that utilizes or proposes to utilize a dual plumbed system.
- (2) The specific boundaries of the proposed use site area including a map showing the location of each facility, drinking water fountain and impoundment to be served.
- (3) The person or persons responsible for operation of the recycled water system at each use area.
- (4) The specific use to be made of the recycled water at each use area.
- (5) The methods to be used by the Recycled Water Agency to assure that the installation and operation of the recycled system will not result in cross connections between the recycled water piping system and the potable water piping system. This shall include a description of pressure, dye or other test methods to be used to test the system.
- (6) Plans and specifications shall include the following and shall be submitted to the State DHS and County DEH for approval:
 - (a) Proposed piping system to be used,
 - (b) Pipe locations of both the recycled and potable systems,
 - (c) Type and location of the outlets and plumbing fixtures that will be accessible to the public,
 - (d) The methods and devices to be used to prevent backflow of recycled water into the public water system,
 - (e) Plan notes relating to recycled water specific installation and use requirements.

2. Subsequent to initiation of the purveyance of recycled water and prior to providing recycled water to a new use site, the Recycled Water Agency shall do the following:

- a. Submit for review and approval a report that either certifies (by the agency) that the project conforms with what is described in the master plan or information to supplement what is described in the

master plan to the State DHS and the County DEH. A certification report shall document that all criteria described in *Recycled Water Purveyance Requirements C.1c* has been submitted to and approved by the appropriate regulatory agency. Information submitted as a supplement to the master plan shall document compliance with any criteria, as described by *Recycled Water Purveyance Requirements C.1c*, not met through submittal of the master plan.

- b. The City of Carlsbad will perform a complete cross-connection shut down test, performed by a certified cross-connection control specialist, with oversight and monitoring provided by the County DEH.
 - c. Submit for review and approval documentation confirming the information submitted as part of Monitoring and Reporting Program No. 2001-352, Recycled Water Users Summary Report F.2 to the Regional Board.
 - d. Perform an alarm simulation shut down test after completion of the construction of CWRP, in the presence of a staff from the Regional Board and a sanitary engineer from the State DHS, to ensure that CWRP is properly operating.
 - e. Verify the modal contact time of the chlorination chamber, as defined under Title 22, Division 4, Chapter 3, Section 60301.600, through a tracer study to ensure that the effluent meets the requirements of Title 22. The results of this tracer study shall be submitted to the State DHS for review and approval.
3. The Recycled Water Agency shall do the following for all reuse sites:
- a. Enforce recycled water rules and regulations,
 - b. Conduct recycled water reuse site compliance inspections in accordance with the program submitted in compliance with *Recycled Water Purveyance Requirements C.1b* of this Order,
 - c. Notify the State DHS and the County DEH of any incidence of recycled water backflow into the potable water system as soon as possible, but in no case later than 24 hours of finding the incident, and
 - d. Maintain a current list of all on-site recycled water supervisors.

D. FACILITY DESIGN AND OPERATION SPECIFICATIONS**1. PROPER OPERATION**

The Recycled Water Agency shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Recycled Water Agency to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.

2. CERTIFICATION REPORT

The wastewater treatment and disposal facilities for the CWRP shall be completely constructed and operable prior to the initiation of the discharge. The complete facilities shall have adequate capacity for the full design flow of 4 MGD. A report from the design engineer certifying the adequacy of each component of the treatment, storage, and disposal facilities shall be submitted by the discharger prior to commencement of the discharge. The certification report shall contain a requirement-by-requirement analysis based on acceptable engineering practices, of how the process and physical designs of the facilities will ensure compliance with the master reclamation permit. The design engineer shall affix their signature and engineering license number to the certification report and should submit it prior to construction of the facilities. Recycled water shall not be purveyed to a user until all of the following have occurred:

- a. The certification report is received and approved by the Regional Board Executive Officer,
- b. The Regional Board Executive Officer has been notified that the Title 22 report and the rules and regulations for recycled water reuse are approved by the State DHS and County DEH,
- c. The Regional Board Executive Officer has been notified of the completion of facilities by the Recycled Water Agency,
- d. An inspection of the facilities has been made by staff of the Regional Board, and
- e. The Regional Board Executive Officer notifies the Recycled Water Agency by letter that recycled water purveyance can be initiated.

3. ENGINEERING REPORT

Prior to discharge of recycled water from the CWRP, the discharger shall meet the design, operational, and reliability requirements of Articles 7, 8, 9 and 10 of the California Code of Regulations, Title 22, Division 4, Chapter 3. The discharger shall prepare an engineering report conforming to the California Code of Regulations, Title 22, Engineering Report Guidelines, sections 3 and 4. The engineering report shall be submitted to the State DHS, County DEH, and the Regional Board Executive Officer.

4. WET WEATHER STORAGE

The discharger shall provide adequate storage facilities to contain recycled water during and after periods of rainfall when disposal by irrigation cannot be successfully practiced and to prevent the discharge of treated or untreated recycled water to any surface water body.

5. DISINFECTION PROCESS

Disinfection of recycled water shall comply with all requirements of California Code of Regulations, Title 22, Division 4. Disinfection may be accomplished by either:

- a. A chlorine disinfection process that provides a CT (chlorine concentration times modal contact time) value of not less than 450 mg-min/liter at all times with a modal chlorine contact time of at least 90 minutes based on peak dry weather design flow; or
- b. A disinfection process, that, when combined with the filtration process, has been demonstrated to reduce the concentration of plaque-forming units of F-specific bacteriophage MS2, or polio virus, per unit volume of water in the wastewater to one hundred thousandths (1/100,000) of the initial concentration in the filter influent throughout the range of qualities of wastewater that will occur during the recycling process. A virus that is at least as resistant to disinfection as polio virus may be used for purposes of the demonstration.

6. OPERATION MANUAL

A copy of the facility operations manual shall be maintained at the Recycled Water Agency's facility and shall be available to operation personnel and Regional Board staff at all times. The following portions of the operations manual shall be posted at the treatment plant as a quick reference for treatment plant operators:

- a. Alarm set points for secondary turbidity, tertiary turbidity and chlorine residual.
- b. Levels at which flow will be diverted for secondary turbidity, tertiary turbidity and chlorine residual.
- c. When to divert flow for high daily and weekly median total coliform.
- d. When the authorities (State DHS, County DEH, Regional Board) will be notified of a diversion.
- e. Names and numbers of those authorities to be notified in case of a diversion.
- f. Frequency of calibration for turbidimeters and chlorine residual analyzers.

7. OPERATORS' CERTIFICATION

The Recycled Water Agency's wastewater treatment facilities shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Chapter 3, Subchapter 14, Title 23 of the California Code of Regulations.

8. FLOOD PROTECTION

All waste treatment, storage and purveyance facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.

9. RUNOFF PROTECTION

All wastewater and recycled water storage facilities shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year, 24-hour frequency storm. An exemption from this requirement has been granted for the reclaimed water storage ponds at the North La Costa Golf Course, which shall be operated to prevent discharges of reclaimed water from the reservoirs to San Marcos Creek and Batiquitos Lagoon. The measures shall include the termination of the discharge to the reservoirs when there is a potential for overflow.

10. MONITORING AND REPORTING

The Recycled Water Agency shall comply with the attached Monitoring and Reporting Program No. 2001-352, and future revisions thereto as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 2001-

352.

E. BIOSOLIDS SPECIFICATIONS

1. Collected screenings, sludges, other solids removed from liquid wastes, and filter backwash shall be disposed in a manner approved by the Executive Officer.
2. Management of all solids and sludge must comply with all applicable requirements of 40 CFR Parts 257, 258, 501 and 503; CWA Part 405(d), and Title 27, CCR, including all monitoring, record keeping and reporting requirements. Since the State of California, hence the State and Regional Boards, has not been delegated the authority by the USEPA to implement the sludge program, enforcement of sludge requirements of CFR Part 503 is under USEPA's jurisdiction. Once sludge leaves a facility, it is subject to all applicable local, state and federal laws and regulations.
3. All solids and sludge not returned to the Encina Water Pollution Control Facility must be disposed of in a municipal solid waste landfill, reused by land application or disposed of in a sludge-only landfill accordance with 40 CFR Parts 503 and 258, and Title 27 CCR. If the discharger desires to dispose of solids or sludge by a different method, a request for permit modification must be submitted to the USEPA and this Regional Board 180 days prior to the initiation of the alternative disposal.
4. Solids and sludge treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in groundwater contamination.
5. The solids and sludge treatment site and storage site shall have facilities adequate to divert surface water runoff from adjacent areas, to protect the boundaries of the site from erosion, and to prevent drainage from the treatment and storage site. Adequate protection is defined as protection from at least a 100-year storm and protection from the highest possible tidal stage that may occur.
6. The discharge of sewage sludge and solids shall not cause waste material to be in a position where it is, or can be, conveyed from the treatment and storage sites and deposited in the waters of the state.
7. The Recycled Water Agency shall submit a copy of each of the annual reports required by 40 CFR 503 to this Regional Board Executive Officer at the same time those reports are submitted to USEPA. The Recycled Water Agency shall also submit an annual report of the quantity and disposition of sludge generated in the previous calendar year.

F. STANDARD PROVISIONS**1. ENFORCEMENT**

The Regional Board may initiate enforcement action against the recycled water agency, which may result in the termination of the recycled water supply, if any person uses, transports, or stores such water in a manner which creates, or threatens to create conditions of pollution, contamination, or nuisance, as defined in Water Code section 13050.

2. DUTY TO COMPLY

The Recycled Water Agency must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised master reclamation permit requirements.

3. ENTRY AND INSPECTION

The Recycled Water Agency shall allow the Regional Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to do the following:

- a. Enter upon the Recycled Water Agency's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Order,
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order,
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order, and
- d. Sample or monitor, at reasonable times for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

4. CIVIL MONETARY REMEDIES

The California Water Code provides that any person who intentionally or

negligently violates any master reclamation permit requirements issued, reissued, or amended by this Regional Board shall be liable civilly in accordance with California Water Code section 13350 (d), (e), or (f).

5. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and is subject to a civil liability of up to 5,000 dollars for each day in which the violation occurs.

6. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The Recycled Water Agency shall report any noncompliance that may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the Recycled Water Agency becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the Recycled Water Agency becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Officer within 24 hours:

- a. Any bypass from any portion of the treatment facility. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility to other than a sewer system.
- b. Any discharge of non-disinfected effluent or untreated wastewater resulting from sewer line breaks, obstruction, surcharge, or any other circumstances.
- c. Any treatment plant upset which causes the effluent limitations of this Order to be exceeded including, but not limited to, the following:
 - (1) Failure of chlorination equipment
 - (2) Effluent total coliform bacteria greater than 240 MPN/100 ml

(3) Turbidity greater than 10 NTU

(4) CT less than 450 mg-min/L

7. PLANT OVERFLOW EVENTS

The discharger shall report all overflow events that occur at the CWRP. For purposes of this reporting requirement, an overflow event is defined as a discharge of treated or untreated wastewater at a location onsite and not authorized by waste discharge requirements and/or NPDES permit which results from a pump station failure, line break, obstruction, surcharge, or any other operational dysfunction. This reporting requirement applies to all overflow events other than those events subject to regulation under this Regional Board's Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*. Overflows identified under this provision shall be reported to the Regional Board with the quarterly monitoring report for the period in which the overflow occurs.

8. UNAUTHORIZED DISCHARGES OF RECYCLED WATER

Any person who, without regard to intent or negligence, causes or permits an unauthorized discharge of 50,000 gallons or more of recycled water that has been treated to at least disinfected tertiary 2.2 recycled water or 1,000 gallons or more of recycled water that is treated at a level less than disinfected tertiary 2.2 recycled water in or on any waters of the state, or causes or permits such unauthorized discharge to be discharged where it is, or probably will be, discharged in or on any waters of the state, shall, as soon as (1) that person has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify this regional board in accordance with reporting requirements in standard provision F.6.

9. PRIOR NOTICE OF BYPASS

If a need for a discharge bypass is known in advance, the Recycled Water Agency shall submit prior notice (stating, at a minimum, the purpose, anticipated dates, duration, level of treatment, and volume of bypass) and, if at all possible, such notice shall be submitted at least 10 days prior to the date of the bypass. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility to other than a sewer system.

10. CORRECTIVE ACTION

The Recycled Water Agency shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

11. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the Recycled Water Agency that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the Recycled Water Agency shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies for example, when the primary source of power of the treatment facility is failed, reduced, or lost.

12. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these master reclamation permit requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Director of Environmental Health Services, County of San Diego in accordance with California Health and Safety Code section 5411.5 and the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Recycled Water Agency is in violation of a prohibition in the applicable Water Quality Control Plan.

13. PETROLEUM RELEASES

Except for a discharge which is in compliance with these master

reclamation permit requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan.

14. PERMIT REPOSITORY

A copy of this Order shall be maintained at the Recycled Water Agency's facility and shall be available to operating personnel at all times.

15. RETENTION OF RECORDS

The Recycled Water Agency shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

16. GENERAL REPORTING REQUIREMENT

The Recycled Water Agency shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Recycled Water Agency shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

17. PERMIT REVISION

This Order may be modified, revoked and reissued, or terminated for

cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order.
- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the Recycled Water Agency for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

18. CHANGE IN DISCHARGE

The Recycled Water Agency shall file a new Report of Waste Discharge at least 120 days prior to the following:

- a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the wastes.
- b. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste.)
- c. Change in the disposal area from that described in the findings of this Order.
- d. Increase in flow beyond that specified in this Order.
- e. Other circumstances which result in a material change in character, amount, or location of the waste discharge.
- f. Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

19. CHANGE IN OWNERSHIP

This Order is not transferable to any person except after notice to the Executive Officer. The Recycled Water Agency shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new Recycled Water Agency containing a specific date for the transfer of this Order's responsibility and coverage between the current Recycled Water Agency and the new Recycled Water Agency. This agreement shall include an acknowledgement that the existing Recycled Water Agency is liable for

violations up to the transfer date and that the new Recycled Water Agency is liable from the transfer date on. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the Recycled Water Agency and incorporate such other requirements as may be necessary under the California Water Code.

20. INCOMPLETE REPORTS

Where the Recycled Water Agency becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

21. REPORT DECLARATION

All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:

- a. The Report of Waste Discharge shall be signed as follows:
 - (1) For a corporation - by a principal executive officer of at least the level of vice-president.
 - (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - (3) For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.
- b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if all of the following are true:
 - (1) The authorization is made in writing by a person described in paragraph (a) of this provision,
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, and
 - (3) The written authorization is submitted to the Executive Officer.
- c. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all

attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

22. REGIONAL BOARD ADDRESS

The Recycled Water Agency shall submit reports required under this Order or other information required by the Executive Officer to the following address:

POTW Compliance Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123

G. NOTIFICATIONS

1. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Recycled Water Agency from liability under federal, state or local laws, nor create a vested right for the Recycled Water Agency to continue the waste discharge.

2. U.S. EPA REVIEW

These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to section 402 of the Clean Water Act.

3. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.


4. PREVIOUS ORDER

The requirements prescribed in this Order supercede the requirements prescribed in Order No. 98-200. This Order becomes effective on the date of adoption by the San Diego RWQCB.

5. EFFECTIVE DATE

This Order becomes effective on the date of adoption by the San Diego RWQCB.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on December 12, 2001.



JOHN H. ROBERTUS
Executive Officer

ATTACHMENT NO.1
TO
ORDER NO. 2001-352

RULES AND REGULATIONS FOR RECYCLED WATER USE PROJECTS

Pursuant to California Water Code (CWC) section 13523.1(b)(3), this Order requires the recycled water agency to establish and to enforce rules and regulations governing the design, construction and use of recycled water distribution and disposal systems by its customers. The rules and regulations shall be consistent with the following criteria:

- Title 22, Division 4, Chapter 3, *Wastewater Reclamation Criteria*;
- Title 17, Division 1, Chapter 5, Group 4, Article 1 & 2, of the California Code of Regulations;
- The State Department of Health Services (State DHS) *Guidelines For Use of Recycled Water, Guidelines for Use of Recycled Water for Construction Purposes, and the County of San Diego Department of Environmental Health (County DEH) Recycled Water Plan Check and Inspection Manual*;
- Any measures that are deemed necessary for protection of public health, such as the American Water Works Association (AWWA) California/Nevada section, *Guidelines for the Distribution of Non-Potable Water and Guidelines for Retrofitting To Recycled Water* or alternate measures that are acceptable to the State DHS.

At a minimum, the rules and regulations shall notify the users that:

1. The use of recycled water shall not cause pollution, contamination, or nuisance, as defined by section 13050 of the California Water Code.
2. The Recycled Water Agency, the Regional Board, the State DHS, and the County DEH or an authorized representative of these parties, upon presentation of proper credentials, shall have the right to enter upon the recycled water use site during reasonable hours, to verify that the user is complying with the Recycled Water Agency's rules and regulations.
3. The recycled water user shall provide written notification, in a timely manner, to the Recycled Water Agency of any material change or proposed change in the character of the use of recycled water.
4. Prior to the initiation of recycled water service, the recycled water user shall

submit plans and specifications for recycled water distribution facilities to the Recycled Water Agency.

5. The recycled water user shall designate a recycled water supervisor who is responsible for the recycled water system at each use area under the user's control. Specific responsibilities of the recycled water supervisor include the proper installation, operation, and maintenance of the irrigation system; compliance of the project with the Recycled Water Agency's rules and regulations, prevention of potential hazards and preservation of the recycled water distribution system plans in "as built" form. Designated recycled water supervisors shall obtain instruction in the use of recycled water from an institution approved by the State DHS and County DEH. Additional guidance regarding recycled water supervisor responsibilities and instruction requirements is provided in Attachments 17 and 18 of the *Recycled Water Plan Check and Inspection Manual* developed by the County DEH, and which are incorporated herein by reference.
6. The Recycled Water Agency may terminate service to a recycled water user who uses, transports, or stores such water in violation of the Recycled Water Agency's rules and regulations.
7. All recycled water storage facilities owned and/or operated by recycled water users shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year, 24-hour frequency storm unless the Regional Board Executive Officer approves relaxed storm protection measures for the facility.
8. All recycled water storage facilities owned and/or operated by recycled water users shall be protected against 100 - year frequency peak stream flows as defined by the San Diego County flood control agency unless the Regional Board Executive Officer approves relaxed storm protection measures for the facility. An exemption from this requirement has been granted for the reclaimed water storage ponds at the North La Costa Golf Course, which shall be operated to prevent discharges of reclaimed water from the reservoirs to San Marcos Creek and Batiquitos Lagoon. The measures shall include the termination of the discharge to the reservoirs when there is a potential for overflow.
9. The Regional Board may initiate enforcement action against any recycled water user who discharges recycled water in violation of any applicable discharge requirement prescribed by the Regional Board or in a manner which creates or threatens to create conditions of pollution, contamination, or nuisance, as defined in Water Code section 13050.
10. A copy of the recycled water rules and regulations, irrigation system layout map, and a recycled water system operations manual shall be maintained at the use area. These documents shall be available to operating

personnel at all times.

11. Irrigation with disinfected tertiary recycled water shall not take place within 50 feet of any domestic water supply well unless all of the following conditions have been met:
 - a. A geological investigation demonstrates that an aquitard exists at the well between the uppermost aquifer being drawn from and the ground surface.
 - b. The well contains an annular seal that extends from the surface into the aquitard.
 - c. The well is housed to prevent any recycled water spray from coming into contact with the wellhead facilities.
 - d. The ground surface immediately around the wellhead is contoured to allow surface water to drain away from the well.
 - e. The owner of the well approves of the elimination of the buffer zone requirement.
12. Impoundment of disinfected tertiary recycled water shall not occur within 100 feet of any domestic water supply well.
13. Irrigation with, or impoundment of, disinfected secondary-2.2 or disinfected secondary -23 recycled water shall not take place within 100 feet of any domestic water supply well.
14. Irrigation with, or impoundment of, undisinfected secondary recycled water shall not take place within 150 feet of any domestic water supply well.
15. Reclaimed water facilities shall be operated in accordance with best management practices (BMP's) to prevent direct human consumption of reclaimed water and to minimize misting, ponding, and runoff. BMP's shall be implemented that will minimize both public contact and discharge onto areas not under customer control.
16. Irrigation with reclaimed water shall be during periods of minimal human use of the service area. Consideration shall be given to allow an adequate dry-out time before the irrigated area will be used by the public.
17. All drinking fountains located within the approved use area shall be protected by location and/or structure from contact with recycled water spray, mist, or runoff. Protection shall be by design, construction practice, or system operation.
18. Facilities that may be used by the public, including but not limited to eating surfaces and playground equipment and located within the approved use areas, shall be protected to the maximum extent possible by siting and/or

structure from contact by irrigation with recycled water spray, mist, or runoff. Protection shall be by design, construction practice or system operation.

19. Spray irrigation with recycled water, other than disinfected tertiary recycled water, shall not take place within 100 feet of the property line of a residence or a place where public exposure could be similar to that of a park, playground, or school yard.
20. All use areas where recycled water is used and that are accessible to the public shall be posted with conspicuous signs, in a size no less than 4 inches by 8 inches, that include the following wording and picture in a size no less than 4 inches high by 8 inches wide: "RECYCLED WATER - DO NOT DRINK". See Attachment No. 2 for the acceptable symbol. The sign(s) shall be of a size easily readable by the public.
21. No physical connection shall be made or allowed to exist between any recycled water system and any separate system conveying potable water.
22. The recycled water piping system shall not include any hose bibs. Quick couplers that are different from that used on the potable water system may be used.
23. The public water supply shall not be used as a backup or supplemental source of water for a recycled water system unless the connection between the two systems is protected by an air gap separation which complies with the requirements of sections 7602(a) and 7603(a) of Title 17 and the approval of the public water system has been obtained. If a "Swivel-ell" type connection is used it must be used in accordance with the provisions of the Department of Health Services Policy Memo 95-004. Approved backflow prevention devices shall be provided, installed, tested, and maintained by the recycled water user in accordance with the applicable provisions of Title 17, Division 1, Chapter 5, Group 4, Article 2.
24. No person other than the Recycled Water Agency shall deliver recycled water to a facility. Connection to the irrigation system by an individual residence is prohibited.
25. All recycled water piping and appurtenances in new installations and appurtenances in retrofit installations shall be colored purple or distinctively wrapped with purple tape in accordance with Chapter 7.9, section 4049.54 of the California Health and Safety Code.
26. Reuse site shut down tests and inspections shall be monitored by the County DEH or the State DHS.
27. Customer complaints concerning recycled water use that may involve public illness shall be reported to the County DEH and the State DHS, and to the Recycled Water Agency who shall maintain a log of all customer complaints

regarding recycled water.

28. Any backflow prevention device installed to protect the public water system shall be inspected and maintained in accordance with section 7605 of Title 17.

ATTACHMENT NO. 2

TO

ORDER NO. 2001-352



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**MONITORING AND REPORTING PROGRAM NO. 2001-352
FOR
CARLSBAD MUNICIPAL WATER DISTRICT
CARLSBAD WATER RECYCLING FACILITY
SAN DIEGO COUNTY**

A. MONITORING PROVISIONS

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this Order and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. Monitoring points shall not be changed without notification to and the approval of the Executive Officer.
2. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +10 percent from true discharge rates throughout the range of expected discharge volumes.
3. Monitoring must be conducted according to United States Environmental Protection Agency (USEPA) test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act" as amended, unless other test procedures have been specified in this Order.
4. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Executive Officer.
5. Monitoring results must be reported on discharge monitoring report forms approved by the Executive Officer.
6. If the discharger monitors any pollutants more frequently than required by this Order, using test procedures approved under 40 CFR, Part 136, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's

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monitoring report. The increased frequency of monitoring shall also be reported.

7. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.
8. Records of monitoring information shall include the following:
 - a. The date, exact place, and time of sampling or measurements,
 - b. The individual(s) who performed the sampling or measurements,
 - c. The date(s) analyses were performed,
 - d. The individual(s) who performed the analyses,
 - e. The analytical techniques or method used, and
 - f. The results of such analyses.
9. All monitoring instruments and devices that are used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
10. The discharger shall report all instances of noncompliance not reported under Provision F.6 of Order No. 2001-352 at the time monitoring reports are submitted. The reports shall contain the information described in Provision F.6.
11. The monitoring reports shall be signed by an authorized person as required by Provision F.21.
12. A composite sample is defined as a combination of at least eight sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period. For volatile pollutants, aliquot must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquot may be collected manually or automatically.
13. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.

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14. Sampling and analysis shall, at a minimum, be conducted in accordance with Article 6 of California Code of Regulations, Title 22, Division 4, Chapter 3 (Reclamation Criteria).

B. EFFLUENT MONITORING

1. Samples of the effluent discharged from the Carlsbad Water Recycling Facility (CWRF) shall be collected at a point downstream of the disinfection process and prior to any dilution.
2. The discharger is responsible for monitoring and reporting in accordance with the following criteria:

Monitoring and Reporting Program No. 2001-352

CONSTITUENT	UNIT	TYPE OF SAMPLE	SAMPLING FREQUENCY ³	REPORTING FREQUENCY
Flowrate ¹	Gallons/Day	Continuous	Continuous	Monthly
Turbidity	NTU	Continuous	*	Monthly
Chlorine Residual ²	mg/L	Continuous	**	Monthly
Chlorine Contact Time (CT) ²	mg-min/L	Continuous	**	Monthly
Total Coliform	MPN/100ml	Grab	***	Monthly
Biochemical Oxygen Demand (BOD ₅ @ 20°C)	mg/L	Composite	Once every 30 days	Quarterly
Total Suspended Solids	mg/L	Composite	Once every 30 days	Quarterly
Volatile Suspended Solids	mg/L	Composite	Once every 30 days	Quarterly
pH	Unit	Grab	Once every 30 days	Quarterly
Total Dissolved Solids	mg/L	Composite	Once every 30 days	Quarterly
Chloride	mg/L	Composite	Once every 30 days	Quarterly
Sulfate	mg/L	Composite	Once every 30 days	Quarterly
Boron	mg/L	Composite	Once every 30 days	Quarterly
Percent Sodium	%	Composite	Quarterly	Quarterly
Adjusted Sodium Adsorption Ratio ⁴	---	Composite	Quarterly	Quarterly
EC	dS/m	Composite	Quarterly	Quarterly
Iron	mg/L	Composite	Once every 30 days	Quarterly
Manganese	mg/L	Composite	Once every 30 days	Quarterly
Methylene Blue Active Substances	mg/L	Composite	Annually	Annually
Aluminum	mg/L	Composite	Annually	Annually
Arsenic	mg/L	Composite	Annually	Annually
Barium	mg/L	Composite	Annually	Annually
Cadmium	mg/L	Composite	Annually	Annually
Chromium	mg/L	Composite	Annually	Annually
Copper	mg/L	Composite	Annually	Annually
Fluoride	mg/L	Composite	Annually	Annually
Lead	mg/L	Composite	Annually	Annually
Mercury	mg/L	Composite	Annually	Annually
Nickel	mg/L	Composite	Annually	Annually
Selenium	mg/L	Composite	Annually	Annually
Silver	mg/L	Composite	Annually	Annually
Zinc	mg/L	Composite	Annually	Annually

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Notes: MPN/100 ml = Most Probable Number per 100 milliliters
mg/L = milligrams per liter
NTU = Nephelometric Turbidity Units
dS/m = deciseimens per meter

- ¹ Report the daily total for influent, reclaimed effluent, recycled flows to Encina Water Pollution Control Facility, and discharge to the Encina Ocean Outfall.
- ² Required if chlorine disinfection process is used. Disinfection using UV Irradiation will require additional monitoring requirements not currently specified in Order No. 2001-352.
- ³ The discharger shall increase the sampling frequency from once every 30 days to once every 7 days, from quarterly to monthly, and from annually to quarterly for any noted constituent that exceeds the limit specified by Discharge Specification B.1, B.2, B.3, and B.5 of Order No. 2001-352. The increased frequency of monitoring shall continue until the discharger achieves compliance with the limitations for three consecutive periods. After compliance is achieved, the discharger shall resume sampling at the specified frequency.
- ⁴ The adjusted sodium adsorption ratio (Adj. SAR) is calculated as follows:

$$\text{Adj. SAR} = \frac{Na}{\sqrt{(Ca_x + Mg)/2}}$$

where Na, Ca_x, and Mg are in milliequivalent per liter (meq/L)

Ca_x is a modified Ca value calculated using Table 3-2 contained in *Irrigation with Reclaimed Municipal Wastewater, A Guidance Manual*.

- * Effluent turbidity analyses shall be conducted continuously using a continuous monitoring and recording turbidimeter. Compliance with the daily average operating filter effluent turbidity limit of 2 NTU shall be determined by averaging the recorded turbidity levels at a minimum of four-hour intervals over a 24-hour period. Compliance with the turbidity standard of not exceeding 5 NTU more than 5 percent of the time over a 24-hour period shall be determined using the levels of recorded turbidity taken at intervals of no more than 1.2-hours over a 24-hour period. Should the continuous turbidity meter and/or recorder fail, grab sampling at a minimum frequency of 1.2 hours may be substituted for a period of up to 24 hours. The discharger shall report monthly results of four-hour turbidity readings, average effluent turbidity (24-hours), 95 percentile effluent turbidity (24-hours), and daily maximum turbidity readings. Continuous turbidity monitoring must also be provided prior to filtration to ensure adequate process control, and automatically actuate coagulant feed when the turbidity of the secondary treated effluent is greater than 10 NTU.
- ** Chlorine concentrations shall be recorded by a continuous recording meter. Calculated CT (chlorine concentration multiplied by modal contact time) values shall be collected and recorded continuously. Compliance with CT requirements shall be determined at least daily. Minimum daily chlorine residual shall be reported monthly.
- *** Samples for total coliform bacteria shall be collected at least daily and at a time when wastewater characteristics are most demanding on the treatment facilities and disinfection procedures. Results of daily total coliform bacteria monitoring, running 7-day median determination, and maximum daily coliform reading in each of previous 12 months shall be reported monthly.

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3. The discharger shall review the monitoring results for compliance with Order No. 2001-352 and submit a statement of compliance as part of the Monitoring and Reporting Program No. 2001-352. The statement of compliance shall identify and report all effluent limitation violations of Discharge Specifications B.1, B.2, B.3, and B.5 of this Order.

C. FILTRATION PROCESS MONITORING

If coagulation is not used as part of the treatment process, the turbidity of the filter influent and effluent shall be continuously measured. The discharger shall report orally to the Regional Board staff within 24-hours if effluent turbidity exceeds 2 NTU or if the influent turbidity exceeded 5 NTU, and shall describe the measures taken to automatically activate chemical addition or to divert wastewater should the turbidity of the influent to the filters exceed 5 NTU. The discharger shall submit a written report of the incident as part of the monthly monitoring report.

D. SEWAGE SOLIDS AND BIOSOLIDS

A record of the type, quantity, and manner of disposal and/or reuse of solids removed in the course of sewage treatment shall be maintained at the CWRP and be made available to Regional Board staff upon request.

A biosolids certification, certifying that the use and disposal of biosolids complies with existing Federal and State laws and regulations, including permitting requirements and technical standards included in 40 CFR 503 shall be submitted annually.

E. STORAGE PONDS

The Recycled Water Agency shall record storage pond monthly inflow and outflow, the volume of water in storage at the end of each month, the monthly volume of ground, municipal, and recycled water used, and total water consumption.

F. RECYCLED WATER USERS SUMMARY REPORT

1. The Recycled Water Agency shall submit a quarterly recycled water users summary report containing the following information:
 - a. Total volume of recycled water supplied to all recycled water users for each month of the reporting period,
 - b. Total number of recycled water use sites,
 - c. Address of the recycled water use sites and
 - d. Basin Plan name and number of hydrologic subarea underlying the recycled water use site.

Monitoring and Reporting Program No. 2001-352

2. The Recycled Water Agency shall submit an annual recycled water users compliance report containing the following information:

a. Recycled water use site summary report.

- (1) Name of the reclaimed water reuse site
- (2) Owner of the reclaimed water use facility
- (3) Address of the reuse site
- (4) Name of the reclaimed water user supervisor
- (5) Phone number of the on-site water user supervisor
- (6) Mailing address of the recycled water use supervisor, if different from site address
- (7) Volume of reclaimed water delivered to the reuse site on a monthly basis

b. Recycled water user site inspections.

Number of reclaimed water reuse site inspections conducted by discharger/producer staff and identification of sites inspected for the year.

c. Recycled water user violations of the Recycled Water Agency's rules and regulations.

The Recycled Water Agency shall identify all recycled water users known to be in violation of the Recycled Water Agency's rules and regulations for recycled water users. The report shall include a description of the noncompliance and its cause, including the period of noncompliance, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

G. REPORT SCHEDULE

Monitoring reports shall be submitted to the Executive Officer in accordance with the following schedule:

<u>Reporting Frequency</u>	<u>Report Period</u>	<u>Report Due</u>
Monthly	January, February, March, April, May, June, July, August, September, October, November, December	By the 1 st day of the second month following the month of sampling

Monitoring and Reporting Program No. 2001-352

Quarterly

January - March
April - June
July - September
October - December

May 1st
August 1st,
November 1st
February 1st

Annually


January-December

February 1st

Monitoring reports shall be submitted to:

ATTN: POTW Compliance Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Ordered by:


JOHN H. ROBERTUS
Executive Officer

Date: December 12, 2001

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2004-0223

WASTE DISCHARGE REQUIREMENTS
FOR
LEUCADIA WASTEWATER DISTRICT
FOREST R. GAFNER WATER RECLAMATION PLANT
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On May 21, 1979, this Regional Board adopted Order No. 79-35, "Waste Discharge Requirements for Leucadia County Water District (LCWD), Forest R. Gafner Water Reclamation Plant (FRGWRP), San Diego County." Order No. 79-35 and addenda thereto established requirements for the disposal of reclaimed water to the La Costa Golf Course, which is located within the Batiquitos (4.51) Hydrologic Subarea (HSA) between El Camino Real and Highway 78. Addendum No. 1 to Order No. 79-35 specifically excepted the La Costa Golf Course reclaimed water storage pond from the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) requirement that all waste treatment, containment, and disposal facilities be protected against a 100-year, 24-hour storm and a 100-year frequency peak stream flow event.
2. On May 4, 1987, this Regional Board adopted Order No. 87-82, "Waste Discharge Requirements for Leucadia County Water District Forest R. Gafner Water Reclamation Plant, San Diego County." Order No. 87-82 superseded Order No. 79-35 and authorized the disposal of up to 0.75 millions gallons per day (MGD) of reclaimed water to the La Costa Golf Course. Addendum No. 1 to Order No. 87-82 authorized the LCWD to supply up to 0.75 MGD of reclaimed water to the Carlsbad Municipal Water District (CMWD) for distribution within portions of the Carlsbad Hydrologic Unit (HU) (904.00) in the following Hydrologic Areas (HA) and Subareas (HSA):
 - a. Buena Vista Creek (4.20) HA, El Salto (4.21) HSA within the City of Carlsbad;
 - b. Agua Hedionda (4.30) HA, Los Monos (4.31) HSA within the City of Carlsbad;
 - c. Encinas (4.40) HA within the City of Carlsbad;
 - d. San Marcos (4.50) HA, Batiquitos (4.51) HSA within the City of Carlsbad; and
 - e. San Marcos (4.50) HA, Richland (4.52) HSA.
3. On December 20, 1993, this Regional Board adopted Order No. 93-41, "Waste Discharge Requirements for Leucadia County Water District Forest R. Gafner

Water Reclamation Plant, San Diego County.” Order No. 93-41 superseded Order No. 87-82 and authorized the LCWD to supply up to 0.75 MGD of reclaimed water to the CMWD for distribution within the portions of the Carlsbad HU (904.00) listed in Finding No. 2. Addendum No. 1 to Order No. 93-41, adopted on October 10, 2001, increased the maximum allowable flow rate from 0.75 MGD to 1.0 MGD.

4. In order to substantiate that the intermittent overflow of the La Costa Golf Course reclaimed water storage pond does not impact surface water quality, Order 93-41 required regular monitoring of surface water and intense monitoring during any overflow event. In addition, Order 93-41 required the LCWD to implement appropriate and reasonable measures to prevent discharge of reclaimed water into San Marcos Creek or Batiquitos Lagoon, including termination of the discharge to the storage pond when there is a potential for overflow.

The surface water monitoring program mandated by Order No. 93-41 requires monthly monitoring from November through March for flow, total dissolved solids (TDS), and total hardness (a measure of the sum of calcium and magnesium concentrations expressed as calcium carbonate) 250 feet upstream of the reclaimed water storage reservoir, 250 feet downstream, and at a point where first contact would occur with San Marcos Creek in a flood event. No significant effect of the use or storage of reclaimed water at the La Costa Golf Course on water quality in San Marcos Creek has been observed. According to reports from the LCWD, since issuance of Order No. 93-41, San Marcos Creek overflowed its banks and caused commingling of water in the reclaimed water storage pond with the creek on two occasions, January 5 and 12, 1995. On both days the creek waters receded the same day as the flooding. Monitoring data collected on both days at the points described above did not provide any conclusive evidence that the flooding degraded water quality in San Marcos Creek.

5. On May 20, 1991, this Regional Board adopted Order No. 91-60, “Water Reclamation Requirements for the Purveyance of Reclaimed Water for the Carlsbad Municipal Water District, San Diego County.” Order No. 91-60 authorized the CMWD to purvey water from the LCWD FRGWRP, Buena Sanitary District Shadowridge Water Reclamation Plant, and Vallecitos Water District Medowlark Water Reclamation Plant to areas within portions of the Carlsbad HU (904.00).
6. On December 16, 1998, this Regional Board adopted Order No. 98-200, “Master Reclamation Permit for the Carlsbad Municipal Water District, San Diego County.” Order No. 98-200 superseded Order No. 91-60 and authorized the CMWD to purvey reclaimed water to areas within portions of the Carlsbad HU (904.00).

7. On December 12, 2001, this Regional Board adopted Order No. 2001-352, "Master Reclamation Permit with Waste Discharge Requirements for the Production and Purveyance of Reclaimed Water for the Carlsbad Municipal Water District Carlsbad Water Recycling Facility, San Diego County." Order No. 2001-352 superseded Order No. 98-200 and authorizes the CMWD to produce and purvey reclaimed water to areas within the Carlsbad HU (904.00). Reclaimed water produced at the FRGWRP and delivered to the CMWD for purveyance is currently subject to the requirements of Order No. 2001-352.
8. On April 2, 2003, the LCWD changed its name to the Leucadia Wastewater District (LWD).
9. By letter dated April 13, 2004, the LWD was notified that the Regional Board was in the process of reviewing Order No. 93-41 as part of the Regional Board's permit update program. This Order incorporates updated information submitted by the discharger and other information obtained by Regional Board staff during the update process.
10. At the request of the LWD, this Order only authorizes distribution of reclaimed water produced at the FRGWRP to the La Costa Golf Course, which is located within the Batiquitos (4.51) HSA between El Camino Real and Highway 78. Distribution of recycled water to other areas in the Carlsbad HU (904.00) previously authorized by Order No. 93-41 and Order No. 2001-352 is prohibited.
11. The LWD owns and operates the Encina Effluent Pump Station (EEPS), located at the Encina Wastewater Authority's Encina Water Pollution Control Facility (EWPCF). The EEPS diverts secondary effluent wastewater from the EWPCF upstream of the Encina Ocean Outfall. From the EEPS, the diverted wastewater is sent through the LWD Gafner Land Outfall, approximately 28,220 feet long (5.34 miles), to the FRGWRP. In order to minimize spills, an alarm point in the FRGWRP control system constantly compares flow meter readings at both ends of the Gafner Land Outfall and automatically shuts down the EEPS whenever a significant disparity in flow rates occur.
12. The FRGWRP is located at 1960 La Costa Avenue, adjacent to San Marcos Creek and immediately upstream of Batiquitos Lagoon. The facility has only tertiary processes consisting of coagulant chemical addition, flocculation, clarification, filtration, and chlorine disinfection. Any reclaimed water that is undeliverable or fails to meet Title 22 standards is automatically diverted to the sanitary sewer for treatment at the EWPCF. The FRGWRP no longer has the capability to discharge directly to the Encina Ocean Outfall.

13. This Regional Board, acting in accordance with Section 13244 of the California Water Code, adopted the Water Quality Control Plan for the San Diego Basin (9), (hereinafter Basin Plan) on September 8, 1994. The Basin Plan was approved by the State Water Resources Control Board (SWRCB) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Board and approved by the SWRCB. The Basin Plan contains beneficial uses, water quality objectives and waste discharge prohibitions.
14. Table 2-2 of the Basin Plan lists the following beneficial uses for San Marcos Creek and Encinitas Creek, surface waters within the Batiquitos (4.51) HSA:
 - a. Agricultural Supply
 - b. Contact Water Recreation
 - c. Non-contact Water Recreation
 - d. Warm Freshwater Habitat
 - e. Wildlife Habitat
15. Table 2-3 of the Basin Plan lists the following beneficial uses for Batiquitos Lagoon, coastal water within the Batiquitos (4.51) HSA:
 - a. Contact Water Recreation
 - b. Non-contact Water Recreation
 - c. Preservation of Biological Habitats of Special Significance
 - d. Estuarine Habitat
 - e. Wildlife Habitat
 - f. Rare, Threatened, or Endangered Species Habitat
 - g. Marine Habitat
 - h. Migration of Aquatic Organisms
16. Table 2-5 of the Basin Plan lists the following potential beneficial uses for groundwater within the Batiquitos (4.51) HSA:
 - a. Municipal and Domestic Supply
 - b. Agricultural Supply
 - c. Industrial Process Supply

However, Note 7 of Table 2-5 states that the beneficial uses do not apply for the area of the Batiquitos HSA (between El Camino Real and Highway 78) within which the La Costa Golf Course is located.

17. Tables 3-2 and 3-3 of the Basin Plan list the following water quality objectives for the Batiquitos (4.51) HSA (note that the groundwater quality objectives listed do not apply to the portion of the Batiquitos (4.51) HSA between Highway 78 and El Camino Real, within which the La Costa Golf Course is located):

Basin Plan Water Quality Objectives for Batiquitos (4.51) HSA		
CONSTITUENT	Concentration not to be exceeded more than 10% of the time during any one year period (mg/l or as noted)	
	Inland Surface Water	Groundwater⁴
Total Dissolved Solids	500	3500
Chloride	250	800
Sulfate	250	500
Percent Sodium	60%	60%
Nitrate (as NO ₃)	---	45
Nitrogen and Phosphorus	see note 3	---
Iron	0.3	0.3
Manganese	0.05	0.05
Methylene Blue Active Substances	0.5	0.5
Boron	0.5	2.0
Odor	None	None
Turbidity	20 NTU	5 NTU
Color	20 units	15 units
Fluoride	1.0	1.0

Notes:

1. mg/l = milligrams per liter

2. NTU = Nephelometric turbidity units

3. Concentrations of nitrogen and phosphorous, by themselves or in combination with other nutrients, shall be maintained at levels below those which stimulate algae and emergent plant growth. Threshold total phosphorous (P) concentrations shall not exceed 0.05 mg/L in any stream at the point where it enters any standing body of water, nor 0.025 mg/L in any standing body of water. A desired goal in order to prevent plant nuisances in streams and other flowing waters appears to be 0.1 mg/L total P. These values are not to be exceeded more than 10% of the time unless studies of the specific water body in question clearly show that water quality objective changes are permissible and changes are approved by the Regional Board. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorous are to be determined by surveillance and monitoring and upheld. If data are lacking, a ratio of N:P = 10:1 shall be used.

4. The water quality objectives do not apply to hydrologic subareas 4.51 and 4.52 between Highway 78 and El Camino Real and to all lands which drain to Moonlight Creek and Encinitas Creek. The objectives for the remainder of the Hydrologic Areas are as shown.

18. A discharge in compliance with this Order will be consistent with the standards, policies, and regulations established in the Basin Plan for the achievement of water quality objectives.
19. In establishing the requirements contained herein the Regional Board considered factors including, but not limited to, the following:
- Beneficial uses to be protected and the water quality objectives reasonably required for that purpose,

- b. Other waste discharges,
 - c. The need to prevent nuisance,
 - d. Past, present, and probable future beneficial uses of the hydrologic subunits under consideration,
 - e. Environmental characteristics of the hydrologic subunits under consideration, including the quality of water thereto,
 - f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area,
 - g. Economic considerations,
 - h. The need for developing housing within the region, and
 - i. The need to develop and use recycled water.
20. The proposed project will make use of recycled water consistent with the goals of California Water Code, Division 7, Chapter 7, Water Recycling Law.
21. In accordance with the Memorandum Of Agreement Between The Department Of Health Services And The State Water Resources Control Board On Use Of Reclaimed Water, this Order incorporates any conditions of approval submitted as part of the State DHS recommendations into water reclamation requirements proposed for adoption by this Regional Board.
22. This Regional Board has considered all water resource related environmental factors associated with the proposed discharge of waste from the FRGWRP.
23. The FRGWRP is an existing facility and this re-issuance of waste discharge requirements allows negligible or no expansion of existing uses; therefore, this Order is categorically exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Title 14, Division 6, Chapter 3, Article 19, Section 15301 of the California Code of Regulations.
24. This Regional Board has notified the LWD and all known interested parties of the intent to prescribe master reclamation permit requirements for the discharge described in the Findings of this Order.
25. This Regional Board in a public meeting has heard and considered all comments pertaining to the proposed discharge of waste from the FRGWRP.

IT IS HEREBY ORDERED THAT, the LWD, in order to meet the provisions contained in Division 7 of the California Water Code and Regulations adopted thereunder, shall comply with the following requirements for FRGWRP:

A. PROHIBITIONS

1. Discharges of waste to lands which have not been specifically described in the findings and for which valid waste discharge requirements are not in force are prohibited.
2. The discharge of waste in a manner other than as described in the findings of this Order is prohibited unless the discharger obtains revised waste discharge requirements that provide for the proposed change.
3. Compliance with the Waste Discharge Prohibitions, as stated in the 1994 Basin Plan (Attachment 1), is required as a condition of this Order.
4. The discharge of wastewater shall not cause, wholly or in combination with any other discharge(s), this Regional Board's objectives for the ground or surface waters of the Carlsbad HU (904.00), as established in the Basin Plan, to be exceeded.
5. Neither the treatment, storage nor disposal of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code.
6. The discharge of a 30-day average treated wastewater flow volume for irrigation in excess of 1.0 MGD is prohibited unless the discharger obtains revised waste discharge requirements for the proposed increased flow.

B. DISCHARGE SPECIFICATIONS

1. Effluent used for landscape irrigation purposes shall be treated to the most restricted level in conformance with all applicable provisions of California Code of Regulations, Title 22, Division 4, Chapter 3 (Reclamation Criteria) for landscaping irrigation [currently Section 60304 (a) and 60320.5].
2. The median concentration of total coliform bacteria measured in the disinfected effluent shall not exceed an MPN of 2.2 per 100 milliliters utilizing the bacteriological results of the last seven days for which

analyses have been completed and the number of total coliform bacteria shall not exceed an MPN of 23 per 100 milliliters in more than one sample in any 30 day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters.

3. Turbidity concentration of the recycled water effluent from the FRGWRP shall not exceed a 24-hour average value of 2 NTU (nephelometric turbidity units), shall not exceed 5 NTU more than 5% of the time during a 24-hour period, and shall not exceed 10 NTU at any time.

C. RECYCLED WATER PURVEYANCE REQUIREMENTS

1. If the LWD begins purveyance of reclaimed water directly to parties other than itself (for onsite use only) or the CMWD, the LWD shall be considered a Recycled Water Agency and shall be subject to the provisions of this section. The LWD shall notify the Regional Board 120 days prior to commencement of the purveyance of reclaimed water directly to parties other than the CMWD.
2. The Recycling Water Agency shall establish new Regional Board, State DHS and the San Diego County Department of Environmental Health (County DEH) approved *Rules and Regulations for Recycled Water Users* governing the design and construction of recycled water use facilities and the use of recycled water. The Recycled Water Agency shall ensure that the rules and regulations are implemented and enforced with respect to the recycled water users. The Recycled Water Agency shall certify prior to the commencement of purveyance, that the Recycled Water Agency's *Rules and Regulations for Recycled Water Users* are consistent with the requirements contained in Attachment No. 2 of this Order.
3. The Recycled Water Agency shall certify, prior to commencement of purveyance, that it has developed and submitted for approval a program to conduct compliance inspections of recycled water reuse sites to the Regional Board, State DHS and County DEH. Inspections shall determine the status of compliance with the Recycled Water Agency's approved rules and regulations for recycled water users.
4. The Recycled Water Agency shall certify, prior to commencement of purveyance, that the following information has been developed and is available to the State DHS and the County DEH, for all current recycled water use areas:
 - a. The number, location, and type of facilities within the use area

proposing to use domestic and recycled water. "Facility" means any type of building or structure, or defined area of specific public use that utilizes or proposes to utilize a dual plumbed system.

- b. The average number of persons estimated to be served by each facility on a daily basis.
 - c. The specific boundaries of the proposed use site area including a map showing the location of each facility, drinking water fountain and impoundment to be served.
 - d. The person or persons responsible for operation of the recycled water system at each use area.
 - e. The specific use to be made of the recycled water at each use area.
 - f. The methods to be used by the Recycled Water Agency to assure that the installation and operation of the recycled system will not result in cross connections between the recycled water piping system and the potable water piping system. This shall include a description of pressure, dye or other test methods to be used to test the system.
 - g. Plans and specifications shall include the following and shall be submitted to the State DHS and County DEH for approval:
 - (1) Proposed piping system to be used,
 - (2) Pipe locations of both the recycled and potable systems,
 - (3) Type and location of the outlets and plumbing fixtures that will be accessible to the public,
 - (4) The methods and devices to be used to prevent backflow of recycled water into the public water system,
 - (5) Plan notes relating to recycled water specific installation and use requirements.
5. The Recycled Water Agency shall do the following for all reuse sites:
- a. Enforce recycled water rules and regulations,
 - b. Conduct recycled water reuse site compliance inspections in accordance with the program submitted in compliance with *Recycled Water Purveyance Requirements C.3* of this Order,
 - c. Notify the State DHS and the County DEH of any incidence of recycled water backflow into the potable water system as soon as possible, but in no case later than 24 hours of finding the incident, and

- d. Maintain a current list of all on-site recycled water supervisors.
- 6. Prior to providing recycled water to a dual plumbed system as defined in Title 22, Chapter 3, Article 1, of the California Code of Regulations, the Recycled Water Agency shall obtain an amendment to this Order.
- 7. Recycled water shall not be supplied to parties who use, transport, or store such water in a manner which causes a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code.

D. FACILITY DESIGN AND OPERATION SPECIFICATIONS

1. PROPER OPERATION

The LWD shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the LWD to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.

2. WET WEATHER STORAGE

The discharger shall provide adequate storage facilities to contain recycled water, or have in place alternate recycled water disposal methods approved by the Regional Board, during and after periods of rainfall when disposal by irrigation cannot be successfully practiced and to prevent the discharge of treated or untreated recycled water to any surface water body.

3. COAGULATION ALTERNATIVE

Coagulation need not be used as part of the treatment process provided that the filter effluent turbidity does not exceed 2 NTU, the turbidity of the influent to the filters is continuously measured, the influent turbidity does not exceed 5 NTU for more than 15 minutes and never exceeds 10 NTU, and that there is capability to automatically activate chemical addition or divert wastewater should the turbidity of the influent to the filters exceed 5 NTU for more than 15 minutes.

4. DISINFECTION PROCESS

Disinfection of recycled water shall comply with all requirements of California Code of Regulations, Title 22, Division 4. Disinfection may be accomplished by either:

- a. A chlorine disinfection process that provides a CT (chlorine concentration times modal contact time) value of not less than 450 mg-min/liter at all times with a modal chlorine contact time of at least 90 minutes based on peak dry weather design flow; or
- b. A disinfection process, that, when combined with the filtration process, has been demonstrated to reduce the concentration of plaque-forming units of F-specific bacteriophage MS2, or polio virus, per unit volume of water in the wastewater to one hundred thousandths (1/100,000) of the initial concentration in the filter influent throughout the range of qualities of wastewater that will occur during the recycling process. A virus that is at least as resistant to disinfection as polio virus may be used for purposes of the demonstration.

5. OPERATION MANUAL

A copy of the facility operations manual shall be maintained at the FRGWRP and shall be available to operation personnel and Regional Board staff upon request at all times. The following portions of the operations manual shall be posted at the treatment plant as a quick reference for treatment plant operators:

- a. Alarm set points for secondary turbidity, tertiary turbidity and chlorine residual.
- b. Levels at which flow will be diverted for secondary turbidity, tertiary turbidity and chlorine residual.
- c. When to divert flow for high daily and weekly median total coliform.
- d. When the authorities (State DHS, County DEH, Regional Board) will be notified of a diversion.
- e. Names and numbers of those authorities to be notified in case of a diversion.
- f. Frequency of calibration for turbidimeters and chlorine residual analyzers.

6. OPERATORS CERTIFICATION

The LWD's wastewater treatment facilities shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Division 3, Chapter 26, Title 23 of the California Code of Regulations.

7. RUNOFF AND FLOOD PROTECTION

- a. The discharge to any landscape impoundment, including the La Costa Golf Course storage pond, shall be terminated whenever rainfall or flooding is likely to cause the impoundment to overflow.
- b. All waste treatment, storage and purveyance facilities, with the exception of irrigation areas and the La Costa Golf Course storage pond, shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.
- c. All wastewater and recycled water storage facilities, with the exception of irrigation areas and the La Costa Golf Course storage pond, shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year, 24-hour frequency storm.

8. MONITORING AND REPORTING

The LWD shall comply with the attached Monitoring and Reporting Program No. R9-2004-0223, and future revisions thereto as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. R9-2004-0223.

9. MAINTENANCE

A preventive maintenance program shall be provided at the FRGWRP reclamation plant to ensure that all equipment is kept in a reliable operating condition.

10. RELIABILITY REQUIREMENTS

The LWD's facilities shall comply with all applicable reliability requirements contained in Title 22, Division 4, Chapter 3, Article 10, *Alternative Reliability Requirements for Uses Requiring Oxidized Disinfected Wastewater or Oxidized, Coagulated, Clarified, Filtered, Disinfected*

Wastewater, of the California Code of Regulations.

E. BIOSOLIDS SPECIFICATIONS

1. Collected screenings, sludges, other solids removed from liquid wastes, and filter backwash shall be disposed of in a manner approved by the Executive Officer. Before sludge is disposed of by means other than discharge to the EWPCF or a landfill regulated under waste discharge requirements, the discharge shall submit written notification to the Executive Officer of the proposed disposal method. Such disposal, use or supply for reuse by others shall not be initiated until approved by the Executive Officer.
2. Solids and sludge treatment, storage, and disposal or reuse shall not create a nuisance, such as objectionable odors or flies, and shall not result in groundwater contamination.
3. The solids and sludge treatment site and storage site shall have facilities adequate to divert surface water runoff from adjacent areas, to protect the boundaries of the site from erosion, and to prevent drainage from the treatment and storage site. Adequate protection is defined as protection from at least a 100-year storm and protection from the highest possible tidal stage that may occur.
4. The discharge of sewage sludge and solids shall not cause waste material to be in a position where it is, or can be, conveyed from the treatment and storage sites and deposited in the waters of the state.

F. STANDARD PROVISIONS

1. ENFORCEMENT

The Regional Board may initiate enforcement action against the LWD, which may result in the termination of the recycled water supply, if any person uses, transports, or stores such water in a manner which creates, or threatens to create conditions of pollution, contamination, or nuisance, as defined in the California Water Code, Section 13050.

2. DUTY TO COMPLY

The LWD must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised master reclamation permit requirements.

3. ENTRY AND INSPECTION

The LWD shall allow the Regional Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to do the following:

- a. Enter upon the LWD's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Order,
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order,
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order, and
- d. Sample or monitor, at reasonable times for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

4. CIVIL MONETARY REMEDIES

The California Water Code provides that any person who intentionally or negligently violates any master reclamation permit requirements issued, reissued, or amended by this Regional Board shall be liable civilly in accordance with California Water Code.

5. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is

guilty of a misdemeanor and is subject to a civil liability for each day in which the violation occurs.

6. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The LWD shall report any noncompliance that may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the LWD becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the LWD becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Officer within 24 hours:

- a. Any bypass from any portion of the treatment facility that will result in noncompliance with any of the terms and conditions of this Order. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility to other than a sewer system.
- b. Any discharge of non-disinfected effluent or untreated wastewater that may endanger public health, or is greater than 1,000 gallons, or reaches surface waters.
- c. Any treatment plant upset which causes the effluent limitations of this Order to be exceeded including, but not limited to, the following:
 - (1) Failure of chlorination equipment
 - (2) Effluent total coliform bacteria greater than 240 MPN/100 ml
 - (3) Turbidity greater than 10 NTU if distributed to any recycled water user
 - (4) CT less than 450 mg-min/L if distributed to any recycled water user

These incidents shall also be reported orally to the State DHS and County DEH within 24-hours of the incident.

7. PLANT OVERFLOW EVENTS

The discharger shall report all overflow events that occur at the FRGWRP. For purposes of this reporting requirement, an overflow event is defined as a discharge of treated or untreated wastewater not authorized by waste discharge requirements and/or a NPDES permit which results from a pump station failure, line break, obstruction, surcharge, or any other operational dysfunction. This reporting requirement applies to all overflow events other than: 1) events required to be reported under Standard Provision 6 above, and 2) those events subject to regulation under this Regional Board's Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*. Overflows identified under this provision shall be reported to the Regional Board with the quarterly monitoring report for the period in which the overflow occurs.

8. UNAUTHORIZED DISCHARGES OF RECYCLED WATER

Any person who, without regard to intent or negligence, causes or permits an unauthorized discharge of 50,000 gallons or more of recycled water that has been treated to at least disinfected tertiary 2.2 recycled water or 1,000 gallons or more of recycled water that is treated at a level less than disinfected tertiary 2.2 recycled water in or on any waters of the state, or causes or permits such unauthorized discharge to be discharged where it is, or probably will be, discharged in or on any waters of the state, shall, as soon as (1) that person has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify this Regional Board in accordance with reporting requirements in Standard Provision F.6.

9. PRIOR NOTICE OF BYPASS

If a need for a discharge bypass is known in advance, the LWD shall submit prior notice (stating, at a minimum, the purpose, anticipated dates, duration, level of treatment, and volume of bypass) and, if at all possible, shall submit such notice at least 10 days prior to the date of the bypass. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility to other than a sewer system.

10. CORRECTIVE ACTION

The LWD shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

11. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the LWD that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the LWD shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies for example, when the primary source of power of the treatment facility is failed, reduced, or lost.

12. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these master reclamation permit requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Director of County DEH in accordance with California Health and Safety Code Section 5411.5 and the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the LWD is in violation of a prohibition in the applicable Water Quality Control Plan.

13. PETROLEUM RELEASES

Except for a discharge which is in compliance with these master reclamation permit requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan.

14. PERMIT REPOSITORY

A copy of this Order shall be maintained at the LWD's facility and shall be available to operating personnel at all times.

15. RETENTION OF RECORDS

The LWD shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

16. GENERAL REPORTING REQUIREMENT

The LWD shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The LWD shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

17. PERMIT REVISION

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order.
- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the LWD for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

18. CHANGE IN DISCHARGE

The LWD shall file a new Report of Waste Discharge at least 120 days prior to the following:

- a. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste.)
- b. Change in the disposal area from that described in the findings of this Order.
- c. Increase in flow beyond that specified in this Order.
- d. Other circumstances that result in a material change in character, amount, or location of the waste discharge.
- e. Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

19. CHANGE IN OWNERSHIP

This Order is not transferable to any person except after notice to the Executive Officer. The LWD shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the LWD and the new discharger. This agreement shall include an acknowledgement that the LWD is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on. The

Regional Board may require modification or revocation and reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code.

20. INCOMPLETE REPORTS

Where the LWD becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

21. REPORT DECLARATION

All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:

- a. The Report of Waste Discharge shall be signed as follows:
 - (1) For a corporation - by a principal executive officer of at least the level of vice-president.
 - (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - (3) For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.
- b. All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if all of the following are true:
 - (1) The authorization is made in writing by a person described in paragraph (a) of this provision,
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, and
 - (3) The written authorization is submitted to the Executive Officer.

- c. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

22. REGIONAL BOARD ADDRESS

The LWD shall submit reports required under this Order or other information required by the Executive Officer to the following address:

POTW Compliance Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123

G. SPECIAL PROVISIONS

1. Within 180 days from the adoption of this Order, the LWD shall submit a supplement to the Engineering Report for the FRGWRP, in accordance with guidelines established under Title 22 CCR, Articles 7 through 10, to the RWQCB and the DHS. This report shall include the results of:
 - a. An alarm simulation shut down test to ensure that the FRGWRP is properly operating.
 - b. The modal contact time of the chlorination chamber, as defined under Title 22, Division 4, Chapter 3, Section 60301.600, from a tracer study conducted to ensure that the effluent meets the requirements of Title 22.

H. NOTIFICATIONS

1. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the LWD from liability under federal, state or local laws, nor create a vested right for the LWD to continue the waste discharge.

2. U.S. EPA REVIEW

These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.

3. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

4. PREVIOUS ORDER

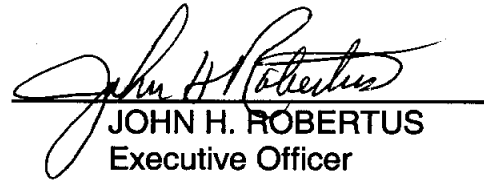
The requirements prescribed in this Order supersede the requirements prescribed in Order No. 93-41.

5. EFFECTIVE DATE

This Order becomes effective on the date of adoption by the San Diego RWQCB.

September 8, 2004

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on September 8, 2004.



JOHN H. ROBERTUS
Executive Officer

ATTACHMENT NO. 1

**1994 WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (BASIN
PLAN) WASTE DISCHARGE PROHIBITIONS**

California Water Code Section 13243 provides that a Regional Board, in a water quality control plan, may specify certain conditions or areas where the discharge of waste, or certain types of waste is not permitted. The following discharge prohibitions are applicable to any person as defined by Section 13050(c) of the California Water Code and to any person who is a citizen, domiciliary, or political agency or entity of California whose activities in California could affect the quality of waters of the state within the boundaries of the San Diego Region.

1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in California Water Code Section 13050, is prohibited.
2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code Section 13264, is prohibited.
3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code §13376) is prohibited
4. The discharge of treated or untreated waste to lakes or reservoirs used for municipal water supply, or to inland surface water tributaries thereto, is prohibited.
5. The discharge of waste to inland surface waters, except in cases where the quality of the discharge complies with applicable receiving water quality objectives, is prohibited. Allowances for dilution may be made at the discretion of the Regional Board. Consideration would include streamflow data, the degree of treatment provided and safety measures to ensure reliability of facility performance. As an example, discharge of secondary effluent would probably be permitted if streamflow provided 100:1 dilution capability.
6. The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the Regional Board.
7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the Regional Board.
8. Any discharge to a storm water conveyance system that is not composed entirely of storm water is prohibited unless authorized by the Regional Board. (The

federal regulations, 40CFR 122.26(b)(13), define storm water as storm water runoff, snow melt runoff, and surface runoff and drainage. 40CFR 122.26(b)(2) defines an illicit discharge as any discharge to a storm water conveyance system that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharge resulting from fire fighting activities.) (§122.26 amended at 56 FR 56553, November 5, 1991 57 FR 11412, April 2, 1992).

9. The unauthorized discharge of treated or untreated sewage to waters of the state or to a storm water conveyance system is prohibited.
10. The discharge of industrial wastes to conventional septic tank/subsurface disposal systems, except as authorized by the terms described in California Water Code Section 13264, is prohibited.
11. The discharge of radioactive waste amenable to alternative methods of disposal into the waters of the state is prohibited.
12. The discharge of any radiological, chemical, or biological warfare agent into waters of the state is prohibited.
13. The discharge of waste into a natural or excavated site below historic water levels is prohibited unless the discharge is authorized by the Regional Board.
14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.
15. The discharge of treated or untreated sewage from vessels to Mission Bay, Oceanside Harbor, Dana Point Harbor, or other small boat harbors is prohibited.
16. The discharge of untreated sewage from vessels to San Diego Bay is prohibited.
17. The discharge of treated sewage from vessels to portion of San Diego Bay that are less than 30 feet deep at mean lower low water (MLLW) is prohibited.
18. The discharge of treated sewage from vessels, which do not have a properly functioning US Coast Guard certified Type I or Type II marine sanitation device, to portions of San Diego Bay that are greater than 30 feet deep a mean lower low water (MLLW) is prohibited.

ATTACHMENT NO. 2
RULES AND REGULATIONS FOR RECYCLED WATER USE PROJECTS

Pursuant to California Water Code (CWC) Section 13523.1(b)(3), this Order requires the Recycled Water Agency to establish and to enforce rules and regulations governing the design, construction and use of recycled water distribution and disposal systems by its customers. The rules and regulations shall be consistent with the following criteria:

- Title 22, Division 4, Chapter 3, *Wastewater Reclamation Criteria*;
- Title 17, Division 1, Chapter 5, Group 4, Article 1 & 2, of the California Code of Regulations;
- The State Department of Health Services (State DHS) *Preparation of an Engineering Report for the Production, Distribution and Use of Recycled Water*;
- Any measures that are deemed necessary for protection of public health, such as the American Water Works Association (AWWA) California/Nevada section, *Guidelines for the Distribution of Non-Potable Water and Guidelines for Retrofitting To Recycled Water* or alternate measures that are acceptable to the State DHS.

At a minimum, the rules and regulations shall notify the users that:

1. The use of recycled water shall not cause pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.
2. The Recycled Water Agency, Regional Board, State DHS, County DEH or an authorized representative of these parties, upon presentation of proper credentials, shall have the right to enter upon the recycled water use site during reasonable hours, to verify that the user is complying with the Recycled Water Agency's rules and regulations.
3. The recycled water user shall provide written notification, in a timely manner, to the Recycled Water Agency of any material change or proposed change in the character of the use of recycled water.
4. Prior to the initiation of recycled water service, the recycled water user shall submit plans and specifications for recycled water distribution facilities to the Recycled Water Agency.
5. The recycled water user shall designate a recycled water supervisor who is responsible for the recycled water system at each use area under the user's control. Specific responsibilities of the recycled water supervisor include the

proper installation, operation, and maintenance of the irrigation system; compliance of the project with the Recycled Water Agency's rules and regulations, prevention of potential hazards and preservation of the recycled water distribution system plans in "as built" form.

6. The Recycled Water Agency may terminate service to a recycled water user who uses, transports, or stores such water in violation of the Recycled Water Agency's rules and regulations.
7. The Regional Board may initiate enforcement action against any recycled water user, including but not limited to the termination of the recycled water supply, who:
 - a. Discharges recycled water in violation of any applicable discharge requirement prescribed by the Regional Board or in a manner which creates or threatens to create conditions of pollution, contamination, or nuisance, as defined in the California Water Code Section 13050.
 - b. Uses, transports, or stores such water in violation of the rules and regulations governing the design, construction and use of recycled water distribution and disposal systems issued by the recycled water agency in accordance with this attachment; or in a manner which creates or threatens to create conditions of pollution, contamination, or nuisance, as defined in the California Water Code Section 13050.
8. A copy of the recycled water rules and regulations, irrigation system layout map, and a recycled water system operations manual shall be maintained at the use area. These documents shall be available to operating personnel at all times.
9. Irrigation with disinfected tertiary recycled water shall not take place within 50 feet of any domestic water supply well unless all of the following conditions have been met:
 - a. A geological investigation demonstrates that an aquitard exists at the well between the uppermost aquifer being drawn from and the ground surface.
 - b. The well contains an annular seal that extends from the surface into the aquitard.
 - c. The well is housed to prevent any recycled water spray from coming into contact with the wellhead facilities.
 - d. The ground surface immediately around the wellhead is contoured to

allow surface water to drain away from the well.

- e. The owner of the well approves of the elimination of the buffer zone requirement.
10. Impoundment of disinfected tertiary recycled water shall not occur within 100 feet of any domestic water supply well.
 11. Irrigation with, or impoundment of, disinfected secondary-2.2 or disinfected secondary-23 recycled water shall not take place within 100 feet of any domestic water supply well.
 12. Irrigation with, or impoundment of, undisinfected secondary recycled water shall not take place within 150 feet of any domestic water supply well.
 13. Recycled water facilities shall be operated in accordance with best management practices (BMP's) to prevent public contact with, and prevent direct human consumption of reclaimed water. All windblown spray of reclaimed water applied for irrigation onto property not owned or controlled by the discharger or reclaimed water user shall be prevented by the implementation of BMP's.
 14. Facilities that may be used by the public shall be protected to the maximum extent possible by siting and/or structure from contact by irrigation with recycled water spray, mist, or runoff. Protection shall be by design, construction practice or system operation.
 15. Any use of recycled water shall comply with the following:
 - a. Any irrigation runoff shall be confined to the recycled water use area.
 - b. Spray, mist, or runoff shall not enter dwellings, designated outdoor eating areas, or food handling facilities.
 - c. Drinking water fountains shall be protected against contact with recycled water spray, mist, or runoff.
 16. Irrigation with reclaimed water shall be during periods of minimal human use of the service area. Consideration shall be given to allow an adequate dry-out time before the irrigated area will be used by the public.
 17. Spray irrigation with recycled water, other than disinfected tertiary recycled water, shall not take place within 100 feet of the property line of a residence or a place where public exposure could be similar to that of a park, playground, or school yard.

18. All use areas where recycled water is used and that are accessible to the public shall be posted with conspicuous signs, in a size no less than 4 inches by 8 inches, that include the following wording and picture in a size no less than 4 inches high by 8 inches wide: "RECYCLED WATER - DO NOT DRINK". See Attachment No. 3 for the acceptable symbol. The sign(s) shall be of a size easily readable by the public. The prescribed wording should also be translated into Spanish and other appropriate languages and included in the required signs.
19. Except as allowed under Section 7604 of Title 17, California Code of Regulations, no physical connection shall be made or allowed to exist between any recycled water system and any separate system conveying potable water.
20. The recycled water piping system shall not include any hose bibs. Quick couplers that are different from that used on the potable water system may be used.
21. The public water supply shall not be used as a backup or supplemental source of water for a recycled water system unless the connection between the two systems is protected by an air gap separation which complies with the requirements of Sections 7602(a) and 7603(a) of Title 17 and the approval of the public water system has been obtained. If a "Swivel-ell" type connection is used it must be used in accordance with the provisions of the Department of Health Services Policy Memo 95-004. Approved backflow prevention devices shall be provided, installed, tested, and maintained by the recycled water user in accordance with the applicable provisions of Title 17, Division 1, Chapter 5, Group 4, Article 2.
22. No person other than the Recycled Water Agency shall deliver recycled water to a facility. Connection to the irrigation system by an individual residence is prohibited.
23. All recycled water piping and appurtenances in new installations and appurtenances in retrofit installations shall be colored purple or distinctively wrapped with purple tape in accordance with Chapter 7.9, Section 4049.54 of the California Health and Safety Code.
24. Customer complaints concerning recycled water use that may involve public illness shall be reported to the County DEH and the State DHS, and to the Recycled Water Agency who shall maintain a log of all customer complaints regarding recycled water.
25. All reclaimed water storage facilities owned and/or operated by the Recycled Water Agency shall be protected against erosion, overland runoff, and other

impacts resulting from a 100-year frequency storm, 24 hour storm.

26. All reclaimed water storage facilities owned and/or operated by the Recycled Water Agency shall be protected against 100-year frequency peak stream flows as defined by the local flood control agency.
27. Any backflow prevention device installed to protect the public water system shall be inspected and maintained in accordance with Section 7605 of Title 17.

ATTACHMENT NO. 3



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

MONITORING AND REPORTING PROGRAM NO. R9-2004-0223

**FOR
LEUCADIA WASTEWATER DISTRICT
FOREST R. GAFNER WATER RECLAMATION PLANT
SAN DIEGO COUNTY**

A. MONITORING PROVISIONS

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this Monitoring and Reporting Program (M&RP) and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. Monitoring points shall not be changed without notification to and the approval of the Executive Officer.
2. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +10 percent from true discharge rates throughout the range of expected discharge volumes.
3. Monitoring must be conducted according to United States Environmental Protection Agency (USEPA) test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act" as amended, unless other test procedures have been specified in this M&RP.
4. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Executive Officer.
5. Monitoring results must be reported on discharge monitoring report forms approved by the Executive Officer.
6. If the Leucadia Wastewater District (discharger) monitors any pollutants more frequently than required by this M&RP, using test procedures

approved under 40 CFR, Part 136, or as specified in this M&RP, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increased frequency of monitoring shall also be reported.

7. The discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation and copies of all reports required by this M&RP, and records of all data used to complete the application for this M&RP. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.
8. Records of monitoring information shall include the following:
 - a. The date, exact place, and time of sampling or measurements,
 - b. The individual(s) who performed the sampling or measurements,
 - c. The date(s) analyses were performed,
 - d. The individual(s) who performed the analyses,
 - e. The analytical techniques or method used, and
 - f. The results of such analyses.
9. All monitoring instruments and devices that are used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
10. The discharger shall report all instances of noncompliance not reported under Provision F.6 of Order No. R9-2004-0223 at the time monitoring reports are submitted. The reports shall contain the information described in Provision F.6.
11. The monitoring reports shall be signed by an authorized person as required by Provision F.21.
12. A composite sample is defined as a combination of at least eight sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period. For volatile pollutants, aliquot must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the

collection of the previous aliquot. Aliquot may be collected manually or automatically.

13. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.
14. Sampling and analysis shall, at a minimum, be conducted in accordance with Article 6 of California Code of Regulations, Title 22, Division 4, Chapter 3 (Reclamation Criteria).
15. Any known direct cross-connection between recycled and potable water shall be reported to the Regional Board, State DHS, and County DEH within 24 hours.

B. EFFLUENT MONITORING

1. Samples of the effluent discharged from the Forest R. Gafner Water Reclamation Plant (FRGWRP) shall be collected at a point at or nearest to the effluent pump station, downstream of the disinfection process and prior to any dilution.
2. The discharger is responsible for monitoring and reporting in accordance with the following criteria:

CONSTITUENT	UNIT	TYPE OF SAMPLE	SAMPLING FREQUENCY	REPORTING FREQUENCY
Flowrate ¹	MGD	Continuous	Continuous	Quarterly
Turbidity	NTU	Continuous	Continuous ²	Quarterly
Chlorine Contact Time (CT)	mg-min/L	Calculated	Continuous ³	Quarterly
Chlorine Residual	mg/L	Continuous	Continuous ⁴	Quarterly
Total Coliform	MPN/100ml	Grab	Daily ⁵	Quarterly
Total Dissolved Solids	mg/L	Composite	Quarterly	Quarterly
Electroconductivity ⁶	dS/m	Composite	Quarterly	Quarterly
pH	Unit	Grab	Quarterly	Quarterly
Total Nitrogen	mg/L	Composite	Quarterly	Quarterly
Total Phosphorus	mg/L	Composite	Quarterly	Quarterly
Chloride	mg/L	Composite	Annually	Annually

CONSTITUENT	UNIT	TYPE OF SAMPLE	SAMPLING FREQUENCY	REPORTING FREQUENCY
Sulfate	mg/L	Composite	Annually	Annually
Adjusted Sodium Adsorption Ratio ⁷	---	Composite	Annually	Annually
Iron	mg/L	Composite	Annually	Annually
Manganese	mg/L	Composite	Annually	Annually
Methylene Blue Active Substances	mg/L	Composite	Annually	Annually
Boron	mg/L	Composite	Annually	Annually
Fluoride	mg/L	Composite	Annually	Annually
Aluminum	mg/L	Composite	Annually	Annually
Antimony	mg/L	Composite	Annually	Annually
Arsenic	mg/L	Composite	Annually	Annually
Barium	mg/L	Composite	Annually	Annually
Beryllium	mg/L	Composite	Annually	Annually
Cadmium	mg/L	Composite	Annually	Annually
Chromium	mg/L	Composite	Annually	Annually
Copper	mg/L	Composite	Annually	Annually
Cyanide	mg/L	Composite	Annually	Annually
Mercury	mg/L	Composite	Annually	Annually
Nickel	mg/L	Composite	Annually	Annually
Selenium	mg/L	Composite	Annually	Annually
Thallium	mg/L	Composite	Annually	Annually

Notes: MGD = Million gallons per day
MPN/100 ml = Most Probable Number per 100 milliliters
mg-min/L = milligrams-minutes per liter
mg/L = milligrams per liter
NTU = Nephelometric Turbidity Units
dS/m = deciseimens per meter

- 1 Report both the daily average and daily maximum.
- 2 Effluent turbidity analyses shall be conducted continuously using a continuous monitoring and recording turbidimeter. Compliance with the daily average operating filter effluent turbidity limit of 2 NTU shall be determined by averaging the recorded turbidity levels at a minimum of four-hour intervals over a 24-hour period. Compliance with the turbidity standard of not exceeding 5 NTU more than 5 percent of the time over a 24-hour period shall be determined

using the levels of recorded turbidity taken at intervals of no more than 1.2 hours over a 24-hour period. Should the continuous turbidity meter and/or recorder fail, grab sampling at a minimum frequency of one sample every 1.2 hours may be substituted until the turbidity meter and/or recorder is fixed. The discharger shall report the daily average effluent turbidity, the daily duration that turbidity exceeds 5 NTU, and the daily maximum turbidity (daily being defined as the 24-hour period from 12 am to 12 am). Continuous turbidity monitoring must also be provided prior to filtration to ensure adequate process control, and automatic actuate coagulant feed when the turbidity of the secondary treated effluent is greater than 10 NTU.

- 3 Calculated CT (chlorine concentration multiplied by modal contact time) values shall be determined and recorded continuously. The discharger shall report the daily minimum CT value and daily minimum modal contact time. The discharger shall report the date(s), value(s), time, and duration when the CT value falls below 450 mg-min/L, and/or the modal contact time falls below 90 minutes.
- 4 Chlorine concentrations shall be recorded by a continuous recording meter. The discharger shall report the minimum daily chlorine residual.
- 5 Samples for total coliform bacteria shall be collected at least daily and at a time when wastewater characteristics are most demanding on the treatment facilities and disinfection procedures. The discharger shall report the results of daily total coliform bacteria monitoring and running 7-day median determination.
- 6 Samples for electroconductivity shall be monitored concurrently with ASAR.
- 7 The adjusted sodium adsorption ratio (Adj. SAR) is calculated as follows:

$$\text{Adj. SAR} = \frac{Na}{\sqrt{(Ca_x + Mg)/2}}$$

where Na, Ca_x, and Mg are in milliequivalent per liter (meq/L). Ca_x is a modified Ca value calculated using Table 3-2 contained in *Irrigation with Reclaimed Municipal Wastewater, A Guidance Manual*.

3. The discharger shall review the monitoring results for compliance with Order No. R9-2004-0223 and submit a statement of compliance as part of this Monitoring and Reporting Program. The statement of compliance shall identify and report all violations of effluent limitations or disinfection requirements of Order No. R9-2004-0223.

C. SAN MARCOS CREEK

1. The discharger shall monitor San Marcos Creek at the following stations:
 - a. a station located upstream of the La Costa Golf Course;
 - b. a station located downstream of the La Costa Golf Course after the confluence of the north fork of San Marcos Creek;
 - c. a station located where a discharge into or from the La Costa Golf Course reclaimed water storage pond would first contact San Marcos Creek during an overflow or flood event.

2. The discharger shall monitor the stations within San Marcos Creek according to the following table:

CONSTITUENT	UNIT	TYPE OF SAMPLE	SAMPLING FREQUENCY	REPORTING FREQUENCY
Flowrate	Gallons/Day	Estimate ¹	Quarterly ²	Quarterly
Total Dissolved Solids	mg/L	Grab	Quarterly ²	Quarterly
Total Nitrogen	mg/L	Grab	Quarterly ²	Quarterly
Total Phosphorous	mg/L	Grab	Quarterly ²	Quarterly
Methylene Blue Active Substances	mg/L	Grab	Quarterly ²	Quarterly
Total Coliform	MPN/100ml	Grab	Quarterly ²	Quarterly

Notes: 1. Calculate from estimate of creek cross sectional area and velocity.
2. If there is an overflow or flood event causing water contact between the La Costa Golf Course reclaimed water storage pond and San Marcos Creek the discharger shall begin monitoring on the first day of the overflow or flood event and continue monitoring daily until contact between the reclaimed water storage pond and San Marcos Creek has been terminated.

D. FILTRATION PROCESS MONITORING

If coagulation is not used as part of the treatment process, the turbidity of the filter influent and effluent shall be continuously measured. If effluent turbidity exceeds 2 NTU based on a 24-hour average, or if the influent turbidity exceeds 5 NTU for more than 15 minutes or 10 NTU at any time, then discharger shall submit a written report of the incident as part of the monthly monitoring report to the Regional Board. The report shall describe the measures taken to automatically activate chemical addition or to divert wastewater.

E. SEWAGE SOLIDS AND BIOSOLIDS

If solids are disposed of by means other than discharge to the Encina Water Pollution Control Facility, a record of the type, quantity, and manner of disposal and/or reuse of all solids removed in the course of sewage treatment shall be maintained at the FRGWRP and be made available to Regional Board staff upon request.

F. RECYCLED WATER USERS SUMMARY REPORT

1. If the LWD is supplying reclaimed water directly to parties other than itself (for onsite use only) or the Carlsbad Municipal Water District (CMWD), the

LWD shall submit a quarterly recycled water users summary report containing the following information:

- a. Total volume of recycled water supplied to all recycled water users for each month of the reporting period,
 - b. Total number of recycled water use sites,
 - c. Address of the recycled water use sites and
 - d. Basin Plan name and number of hydrologic subarea underlying the recycled water use site.
2. If the LWD is supplying reclaimed water directly to parties other than itself (for onsite use only) or the Carlsbad Municipal Water District (CMWD), the LWD shall submit an annual recycled water users compliance report containing the following information:
- a. Recycled water use site summary report
 - (1) Name of the reclaimed water reuse site
 - (2) Owner of the reclaimed water use facility
 - (3) Address of the reuse site
 - (4) Name of the reclaimed water user supervisor
 - (5) Phone number of the on-site water user supervisor
 - (6) Mailing address of the recycled water use supervisor, if different from site address
 - (7) Volume of reclaimed water delivered to the reuse site on a monthly basis
 - b. Recycled water user site inspections

Number of reclaimed water reuse site inspections conducted by discharger/producer staff and identification of sites inspected for the year.
 - c. Recycled water user violations of the LWD's rules and regulations

The discharger shall identify all recycled water users known to be in violation of the LWD's rules and regulations for recycled water users. The report shall include a description of the noncompliance and its cause, including the period of noncompliance, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

September 8, 2004

G. REPORT SCHEDULE

Monitoring reports shall be submitted to the Executive Officer in accordance with the following schedule:

<u>Reporting Frequency</u>	<u>Report Period</u>	<u>Report Due</u>
Quarterly	January - March April - June July - September October - December	May 1 st August 1 st , November 1 st February 1 st
Annually	January-December	February 1 st

Monitoring reports shall be submitted to:

ATTN: POTW Compliance Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Ordered by:



JOHN H. ROBERTUS
Executive Officer

Date: September 8, 2004

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2007-0018

**WASTE DISCHARGE REQUIREMENTS
FOR
VALLECITOS WATER DISTRICT
MEADOWLARK WATER RECLAMATION PLANT
SAN DIEGO COUNTY**

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2007-0018

**WASTE DISCHARGE REQUIREMENTS
FOR
VALLECITOS WATER DISTRICT
MEADOWLARK WATER RECLAMATION PLANT
SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. The Vallecitos Water District (hereafter Discharger) owns and operates Meadowlark Water Reclamation Plant (MWRP) that discharges up to 2.25 million gallons per day (MGD) of tertiary treated effluent used for irrigation under Order No. R9-1993-0023.
2. On May 6, 2006, the Discharger submitted a complete Report of Waste Discharge (ROWD) prepared by Kennedy/Jenks Consultants proposing to upgrade the MWRP and increase its capacity to 5.0 MGD.
3. When upgraded, the MWRP, which is located at 7941 Corintia Street in Carlsbad, will consist of headworks, primary sedimentation tanks, roughing filters, aeration basins, secondary clarifiers, and new media granular filters and chlorination. The upgraded MWRP will produce disinfected tertiary effluent in compliance with Title 22 of the California Code of Regulations. This recycled water will be delivered to Carlsbad and Olivenhain Water Districts for purveyance of recycled water under each District's master reclamation permits.
4. The Discharger maintains an existing pipeline to the Encina Water Pollution Control Facility (EWPCF) ocean outfall. During wet weather or periods of low irrigation, the MWRP can discharge up to 5.0 MGD of secondary treated wastewater to the ocean outfall under the requirements of Order No. R9-2005-0219, NPDES Permit No. CA0107395. The Discharger also sends all solids produced by MWRP, to the EWPCF via a land outfall for treatment and disposal.
5. In accordance with Section 2200, Title 23 of the California Code of Regulation, the threat to water quality and complexity of the treated wastewater effluent from MWRP is determined as category 2B.
6. The Discharger reported that the upgraded MWRP will produce a tertiary effluent with the following characteristics:

Constituent	Units	Projected Effluent Water Quality
Biochemical Oxygen Demand ₅	mg/L	30
Total Suspended Solids	mg/L	30
Total Dissolved Solids	mg/L	1100
Chloride	mg/L	260
Manganese	mg/L	0.050
Iron	mg/L	0.3
Boron	mg/L	0.5

7. The Discharger will produce recycled water for distribution by Carlsbad and Olivenhain Water Districts at use sites within the El Salto Hydrologic Subarea (HSA) (4.21), Los Monos HSA (4.31), Batiquitos HAS (4.51), Richland HSA (4.52), San Elijo HSA (4.61), and Encinas Hydrologic Area (4.40).
8. This Regional Board, acting in accordance with section 13244 of the California Water Code, adopted the Water Quality Control Plan for the San Diego Basin (9), (hereinafter Basin Plan) on September 8, 1994. The Basin Plan was subsequently approved by the State Water Resources Control Board (SWRCB) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Board and approved by the SWRCB. The Basin Plan contains beneficial uses and water quality objectives.
9. A discharge in compliance with this Order will be consistent with the standards, policies, and regulations established in the Basin Plan for the achievement of water quality objectives.
10. In establishing the requirements contained herein the Regional Board considered factors including, but not limited to, the following:
 - a. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose,
 - b. Other waste discharges,
 - c. The need to prevent nuisance,
 - d. Past, present, and probable future beneficial uses of the hydrologic subunits under consideration,
 - e. Environmental characteristics of the hydrologic subunits under consideration,
 - f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area,
 - g. Economic considerations,
 - h. The need for additional housing within the region, and

- i. The need to develop and use recycled water.
11. The proposed project will make use of recycled water consistent with the goals of California Water Code, Division 7, Chapter 7, Water Recycling Law.
12. The Regional Board considered all environmental factors associated with the discharge of recycled water from MWRP. This project involves the permitting of existing sewerage facilities. As such, this project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) as provided by Section 15301, and in compliance with Section 15300.2, of California Code of Regulations Title 14.
13. The Regional Board has notified the Discharger all known interested parties of its intent to adopt waste discharge requirements for production of recycled water by MWRP.
14. In accordance with the *Memorandum Of Agreement Between The Department Of Health Services And The State Water Resources Control Board On Use Of Reclaimed Water*, this Order incorporates any conditions of approval submitted as part of the State Department of Health Services' recommendations into water recycling requirements proposed for adoption by this Regional Board.
15. The Regional Board in a public meeting, heard and considered all comments pertaining to the discharge of recycled water from MWRP.

IT IS HEREBY ORDERED THAT the Vallecitos Water District (hereafter Discharger) in order to meet the provisions contained in Division 7 of the California Water Code and Regulations adopted thereunder, shall comply with the following requirements, which supersede the requirements prescribed by Order No. R9-1993-0023, for the discharge and purveyance of disinfected tertiary effluent for recycled water from MWRP:

A. PROHIBITIONS

1. Discharge of wastes in a manner other than as described in the findings of this Order is prohibited unless the Discharger obtains revised waste discharge requirements that provide for the proposed change.
2. Discharges of treated or untreated solid or liquid waste to a navigable water or tributary of a navigable water are prohibited unless as authorized by an NPDES permit issued by this Regional Board.
3. Neither the treatment, storage nor disposal of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code.
4. The discharge of treated wastewater shall not cause a violation of the prohibitions contained in the Basin Plan, incorporated herein by reference.

B. DISCHARGE SPECIFICATIONS

1. The discharge of treated effluent from the MWRP containing pollutants in excess of the following effluent limitations:

CONSTITUENT	Units	MONTHLY AVERAGE ¹	DAILY MAXIMUM ²
Biochemical Oxygen Demand (CBOD ₅ @ 20 °C)	mg/L	30	45
Total Suspended Solids	mg/L	30	45
pH (within limits shown at all times)	pH units	6.0 - 8.5	

¹ The monthly average effluent limitation shall apply to the arithmetic mean of the results of all samples collected during each calendar month.

² The daily maximum effluent limitation shall apply to the results of a single composite or grab sample representing a 24-hour period.

2. The discharge of treated effluent from the MWRP and to the recycled water use areas containing pollutants in excess of the following effluent limitations is prohibited:

CONSTITUENT	Units	12-MONTH AVERAGE ¹	DAILY MAXIMUM ²
Total Dissolved Solids (TDS)	mg/L	1100	1500
Chloride (Cl)	mg/L	400	500
Manganese (Mn)	mg/L	0.05	0.06
Iron	mg/L	0.3	0.4
Boron (B)	mg/L	0.5	0.6

¹ The 12-month average effluent limitation shall apply to the arithmetic mean of the results of all samples collected during the current calendar month and the preceding 11 calendar months.

² The daily maximum effluent limitation shall apply to the results of a single composite or grab sample representing a 24-hour period.

3. The median concentration of total coliform bacteria measured in the disinfected tertiary recycled water from MWRP shall not exceed a Most Probable Number

(MPN) of 2.2 per 100 mL, utilizing the bacteriological results of the last seven days for which analyses have been completed; and the number of total coliform bacteria shall not exceed an MPN of 23 per 100 mL in more than one sample in any 30-day period. No sample shall exceed a MPN of 240 total coliform bacteria per 100 mL.

4. The turbidity of the disinfected tertiary recycled water from MWRP shall not exceed a daily average value of 2 NTU (nephelometric turbidity units), shall not exceed 5 NTU more than 5% of the time during a 24-hour period based on the total number of recorded measurements, and shall not exceed 10 NTU at any time.
5. The average daily effluent flow rate for the existing MWRP shall not exceed 2.25 MGD. After the Discharger receives authorization to discharge pursuant to Section C.2 of this Order, the average daily effluent flow rate from the new MWRP shall not exceed 5.0 MGD.

C. FACILITY DESIGN AND OPERATION SPECIFICATIONS

1. PROPER OPERATION

The Discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.

2. CERTIFICATION REPORT

The Discharger shall submit a report certifying that the treatment and disposal facilities have been constructed as designed and will meet the Discharge Specifications in Section B for the new full design flow of 5.0 MGD for tertiary treatment with disinfection. The design engineer shall affix their signature and engineering license number to the certification report. Prior to exceeding the existing average daily effluent flow rate of 2.25 MGD, the following requirements shall be met:

- a. The certification report is received by the Regional Board,
- b. The Regional Board has been notified of the completion of facilities by the Discharger,

- c. An Inspection of the facilities has been made by the Regional Board,
- d. The Regional Board notifies the Discharger that the new discharge can be initiated.

3. CONSTRUCTION PROGRESS REPORTS

The Discharger shall notify the Regional Board when each new treatment, storage, and disposal component has been completed and certify that the new component has been constructed as designed.

4. ENGINEERING REPORT

The Discharger shall meet the design, operational, and reliability requirements of Articles 7, 8, 9 and 10 of the California Code of Regulations, Title 22, Division 4, Chapter 3. The Discharger shall prepare an engineering report conforming to the California Code of Regulations, Title 22, Engineering Report Guidelines, Sections 3 and 4. The engineering report shall be submitted to the State DHS, County DEH, and the Regional Board.

5. COAGULATION ALTERNATIVE

Coagulation need not be used as part of the treatment process provided that the filter effluent turbidity does not exceed 2 NTU, the turbidity of the influent to the filters is continuously measured, the influent turbidity does not exceed 5 NTU for more than 15 minutes and never exceeds 10 NTU, and that there is capability to automatically activate chemical addition or divert wastewater should the turbidity of the influent to the filters exceed 5 NTU for more than 15 minutes.

6. DISINFECTION PROCESS

The chlorine disinfection process chlorine of recycled water shall comply with all requirements of California Code of Regulations, Title 22, Division 4 and provide a CT (chlorine concentration times modal contact time) value of not less than 450 mg-min/liter at all times with a modal chlorine contact time of at least 90 minutes based on peak dry weather design flow.

7. OPERATION MANUAL

A copy of the facility operations manual shall be maintained at the Discharger's facility and shall be available to operation personnel and Regional Board staff at all times. The following portions of the operations manual shall be posted at the treatment plant as a quick reference for treatment plant operators:

- a. Alarm set points for secondary turbidity, tertiary turbidity, and chlorine residual.
- b. Levels at which flow will be diverted for secondary turbidity, tertiary turbidity, and chlorine residual.
- c. When to divert flow for high daily and weekly median total coliform.
- d. When the authorities (State DHS, County DEH, Regional Board) will be notified of a diversion.
- e. Names and numbers of those authorities to be notified in case of a diversion.
- f. Frequency of calibration for turbidimeters and chlorine residual analyzers.

8. OPERATORS CERTIFICATION

The Discharger's wastewater treatment facilities shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Chapter 3, Subchapter 14, Title 23 of the California Code of Regulations.

9. FLOOD PROTECTION

All waste treatment, storage and purveyance facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.

10. RUNOFF PROTECTION

All wastewater and recycled water storage facilities shall be protected against erosion, overland runoff, and other impacts resulting from a 100-year, 24-hour frequency storm.

11. MONITORING AND REPORTING

The Discharger shall comply with the attached Monitoring and Reporting Program No. R9-2007-0018 and future revisions thereto as specified by the Regional Board. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. R9-2007-0018.

D. STANDARD PROVISIONS

1. ENFORCEMENT

The Regional Board may initiate enforcement action against the recycled water agency, which may result in the termination of the recycled water supply, if any person uses, transports, or stores such water in a manner

which creates, or threatens to create conditions of pollution, contamination, or nuisance, as defined in Water Code section 13050.

2. DUTY TO COMPLY

The Discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised master reclamation permit requirements.

3. ENTRY AND INSPECTION

The Discharger shall allow the Regional Board, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to do the following:

- a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Order,
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order,
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order, and
- d. Sample or monitor, at reasonable times for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

4. CIVIL MONETARY REMEDIES

The California Water Code provides that any person who intentionally or negligently violates any master reclamation permit requirements issued, reissued, or amended by this Regional Board shall be liable civilly in accordance with California Water Code section 13350 (d), (e), or (f).

5. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a

misdemeanor and is subject to a civil liability in accordance with CWC Section 13268.

6. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The Discharger shall report any noncompliance that may endanger health or the environment. Any such information shall be provided orally to the Regional Board within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Regional Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Regional Board within 24 hours:

- a. Any bypass from any portion of the treatment facility. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility to other than a sewer system.
- b. Any discharge of non-disinfected effluent or untreated wastewater resulting from sewer line breaks, obstruction, surcharge, or any other circumstances.
- c. Any treatment plant upset which causes the effluent limitations of this Order to be exceeded including, but not limited to, the following:
 - (1) Failure of chlorination equipment
 - (2) Effluent total coliform bacteria greater than 240 MPN/100 ml
 - (3) Turbidity greater than 10 NTU if distributed to any recycled water user
 - (4) CT less than 450 mg-min/L if distributed to any recycled water user

These incidents shall also be reported orally to the State DHS and County DEH within 24-hours of the incident.

7. PLANT OVERFLOW EVENTS

The Discharger shall report all overflow events that occur at MWRP. For purposes of this reporting requirement, an overflow event is defined as a

discharge of treated or untreated wastewater at a location onsite not authorized by waste discharge requirements and/or NPDES permit which results from a pump station failure, line break, obstruction, surcharge, or any other operational dysfunction. This reporting requirement applies to all overflow events other than those events subject to regulation under this Regional Board's Order No. R9-2007-00015, Waste Discharge Requirements for Sanitary Sewer Agencies in the San Diego Region. Overflows of the kind identified under this provision shall be reported to the Regional Board with the monthly monitoring report in which the overflow occurs.

8. UNAUTHORIZED DISCHARGES OF RECYCLED WATER

Pursuant to CWC Section 13529.2, any person who, without regard to intent or negligence, causes or permits an unauthorized discharge of 50,000 gallons or more of recycled water that has been treated to at least disinfected tertiary 2.2 recycled water or 1,000 gallons or more of recycled water that is treated at a level less than disinfected tertiary 2.2 recycled water in or on any waters of the state, or causes or permits such unauthorized discharge to be discharged where it is, or probably will be, discharged in or on any waters of the state, shall, as soon as (1) that person has knowledge of the discharge, (2) notification is possible, and (3) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify this Regional Board in accordance with reporting requirements in Standard Provision F.6.

9. PRIOR NOTICE OF BYPASS

If a need for a discharge bypass is known in advance, the Discharger shall submit prior notice (stating, at a minimum, the purpose, anticipated dates, duration, level of treatment, and volume of bypass) and, if at all possible, such notice shall be submitted at least 10 days prior to the date of the bypass. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility to other than a sewer system.

10. CORRECTIVE ACTION

The Discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

11. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the Discharger that it would have been necessary to halt or reduce the permitted activity in order to

maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the Discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies for example, when the primary source of power of the treatment facility is failed, reduced, or lost.

12. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these master reclamation permit requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Director of Environmental Health Services, County of San Diego in accordance with California Health and Safety Code section 5411.5 and the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Discharger is in violation of a prohibition in the applicable Water Quality Control Plan.

13. PETROLEUM RELEASES

Except for a discharge which is in compliance with these master reclamation permit requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan.

14. PERMIT REPOSITORY

A copy of this Order shall be maintained at the Discharger's facility and shall be available to operating personnel at all times.

15. RETENTION OF RECORDS

The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board.

16. GENERAL REPORTING REQUIREMENT

The Discharger shall furnish to the Regional Board, within a reasonable time, any information which the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.

17. PERMIT REVISION

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order.
- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the Discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

18. CHANGE IN DISCHARGE

The Discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:

- a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the wastes.
- b. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste).
- c. Change in the disposal area from that described in the findings of this Order.
- d. Increase in flow beyond that specified in this Order.
- e. Other circumstances that result in a material change in character, amount, or location of the waste discharge.
- f. Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

19. CHANGE IN OWNERSHIP

This Order is not transferable to any person except after notice to the Regional Board. The Discharger shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new owner containing a specific date for the transfer of this Order's responsibility and coverage between the current Discharger and the new owner. This agreement shall include an acknowledgement that the existing Discharger is liable for violations up to the transfer date and that the new Discharger is liable from the transfer date on. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the California Water Code.

20. INCOMPLETE REPORTS

Where the Discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

21. REPORT DECLARATION

All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:

- a. The Report of Waste Discharge shall be signed as follows by either a principal Executive Officer or ranking elected official.

- b. All other reports required by this Order and other information required by the Regional Board shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if all of the following are true:
 - (1) The authorization is made in writing by a person described in paragraph (a) of this provision,
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, and
 - (3) The written authorization is submitted to the Regional Board.
- c. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

22. REGIONAL BOARD ADDRESS

The Discharger shall submit reports required under this Order or other information required by the Regional Board to the following address:

Northern Core Regulatory Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123

E. NOTIFICATIONS

1. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Discharger from liability under federal, state or local laws, nor create a vested right for the Discharger to continue the waste discharge.

2. U.S. EPA REVIEW

These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to section 402 of the Clean Water Act.

3. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

4. PREVIOUS ORDERS

The requirements prescribed by this Order supersede the requirements prescribed by Order No. R9-1993-0023.

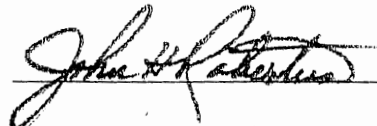
5. EFFECTIVE DATE

This Order becomes effective on the date of adoption by the San Diego RWQCB.

6. CORRESPONDENCE AND REPORT CODING

To ensure that correspondence and reports submitted in compliance with this Order are acknowledged, the following code number must be included in the heading or subject line portion of all correspondence and reports submitted to the Regional Board: "NCRU: 01-0247"

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on April 11, 2007.



JOHN H. ROBERTUS
Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**MONITORING AND REPORTING PROGRAM
FOR ORDER NO. R9-2007-0018
FOR
VALLECITOS WATER DISTRICT
MEADOWLARK WATER RECLAMATION PLANT
SAN DIEGO COUNTY**

A. MONITORING PROVISIONS

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this Order and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Regional Board.
2. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ± 5 percent from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:
 - (a) "A Guide to Methods and Standards for the Measurement of Water Flow," U. S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 97 pp. (Available from the U. S. Government Printing Office, Washington, D. C. 20402. Order by SD Catalog No. C13.10:421.)
 - (b) "Water Measurement Manual," U. S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U. S. Government Printing Office, Washington D. C. 20402. Order by Catalog No. 127,19/2:W29/2, Stock No. SIN 24003-0027.)
 - (c) "Flow Measurement in Open Channels and Closed Conduits," U. S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS) Springfield, VA 22151. Order by NTIS No. PB-273-535/5ST.)
 - (d) "NPDES Compliance Sampling Manual," U. S. Environmental Protection Agency, Office of Water Enforcement. Publication MCD-51, 1977, 140 pp.

(Available from the General Services Administration (8FFS), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225.

3. Monitoring must be conducted according to United States Environmental Protection Agency test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act" as amended, unless other test procedures have been specified in this Order.
4. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Regional Board.
5. Monitoring results must be reported on discharge monitoring report forms approved by the Regional Board.
6. If the Discharger monitors any pollutants more frequently than required by this order, using test procedures approved under 40 CFR, Part 136, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharger's monitoring report. The increased frequency of monitoring shall also be reported.
7. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings, where used, for continuous monitoring instrumentation, copies of all reports required by this order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board.
8. Records of monitoring information shall include:
 - (a) The date, exact place, and time of sampling or measurements;
 - (b) The individual(s) who performed the sampling or measurements;
 - (c) The date(s) analyses were performed;
 - (d) The individual(s) who performed the analyses;
 - (e) The analytical techniques or method used; and
 - (f) The results of such analyses.
9. All monitoring instruments and devices which are used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
10. The Discharger shall report all instances of noncompliance not reported under Reporting Requirement E.7 of this Order at the time monitoring reports are submitted. The reports shall contain the information listed in Reporting Requirement E.7.
11. The monitoring reports shall be signed by an authorized person as required by Reporting Requirement F.21.

12. A composite sample is defined as a combination of at least eight sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24 hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.
13. A grab sample is an individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.
14. Sampling and analysis shall, as a minimum, be conducted in accordance with Article 6 of California Code of Regulations, Title 22, Division 4, Chapter 3 (Water Recycling Criteria).

B. EFFLUENT MONITORING

1. Samples of the effluent discharged from MWRP shall be collected at a point downstream of the disinfection process, and prior to any dilution.
2. The Discharger shall determine the volume of recycled water delivered to Carlsbad and Olivenhain Water Districts each calendar month in units of million gallons and report this volume monthly.
3. The Discharger is responsible for monitoring and reporting in accordance with the following criteria:

CONSTITUENT/ PARAMETER	UNIT	TYPE OF SAMPLE	SAMPLING FREQUENCY ^{1,2}	REPORTING FREQUENCY
Flowrate	GPD	Continuous	Continuous	Monthly
Turbidity	NTU	Continuous	*	Monthly
Chlorine Contact Time (CT) ³	mg-min/L	Calculated	**	Monthly
Total Chlorine Residual ³	mg/L	Continuous	***	Monthly
Total Coliform	MPN/100ml	Grab	****	Monthly
Biochemical Oxygen Demand (CBOD ₅ @ 20 °C)	mg/L	Composite	3 Times Per Week	Monthly
Total Suspended Solids	mg/L	Composite	3 Times Per Week	Monthly
pH	Unit	Grab	3 Times Per Week	Monthly
Total Dissolved Solids	mg/L	Composite	Monthly	Monthly
Chloride	mg/L	Composite	Monthly	Monthly

CONSTITUENT/ PARAMETER	UNIT	TYPE OF SAMPLE	SAMPLING FREQUENCY ^{1,2}	REPORTING FREQUENCY
Iron (Fe)	mg/L	Composite	Monthly	Monthly
Manganese (Mn)	mg/L	Composite	Monthly	Monthly
Boron (B)	mg/L	Composite	Monthly	Monthly
Aluminum	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Arsenic	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Antimony	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Barium	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Beryllium	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Cadmium	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Chromium	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Copper	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Cyanide	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Mercury	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Nickel	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Selenium	mg/L	Composite	Once Every 5 Years	Once Every 5 Years
Thallium	mg/L	Composite	Once Every 5 Years	Once Every 5 Years

Notes: **MPN/100 ml = Most Probable Number per 100 milliliters**

mg/L = milligrams per liter

NTU = Nephelometric Turbidity Units

dS/m = deciseimens per meter

¹ Weekly is defined as a calendar week (Sunday through Saturday). Monthly is defined as a calendar month. Quarterly is defined as a period of three consecutive calendar months beginning on January 1, April 1, July 1, or October 1. Semiannually is defined as a period of six consecutive calendar months beginning on January 1 or July 1. Annually is defined as a calendar year.

² The Discharger shall increase the sampling frequency from monthly to weekly, from quarterly to monthly, from semiannually to quarterly, and from annually to semiannually for any noted constituent that exceeds the limit specified by Discharge Specification B.2-B.6 of this Order. The increased frequency of monitoring shall continue until the Discharger achieves compliance with the limitations for three consecutive periods.

³ Required if chlorine disinfection process is used.

- * Effluent turbidity analyses shall be conducted continuously using a continuous monitoring and recording turbidity meter. Compliance with the daily average operating filter effluent turbidity limit of 2 NTU shall be determined by averaging the recorded turbidity levels at a minimum of four-hour intervals over a 24-hour period. Compliance with the turbidity standard of not exceeding 5 NTU more than 5 percent of the time over a 24-hour period shall be determined using the levels of recorded turbidity taken at intervals of no more than 1.2 hours over a 24-hour period. Should the continuous turbidity meter and/or recorder fail, grab sampling at a minimum frequency of one sample every 1.2 hours may be substituted until the turbidity meter and/or recorder is fixed. The Discharger shall report monthly results of four-hour turbidity readings, average effluent turbidity (24-hours), 95 percentile effluent turbidity (24-hours), and the daily maximum turbidity (daily being defined as the 24-hour period from 12 am to 12 am). Continuous turbidity monitoring must also be provided prior to filtration to ensure adequate process control, and automatic actuated coagulant feed when the turbidity of the secondary treated effluent is greater than 10 NTU.
- ** Calculated CT (chlorine concentration multiplied by modal contact time) values shall be determined and recorded continuously. The daily minimum CT value shall be reported monthly. The Discharger shall report monthly the date(s), value(s), time, and duration when the CT value falls below 450 mg-min/L, and/or the modal contact time falls below 90 minutes.
- *** Chlorine concentrations shall be recorded by a continuous recording meter. Minimum daily chlorine residual shall be reported monthly.
- **** Samples for total coliform bacteria shall be collected at least daily and at a time when wastewater characteristics are most demanding on the treatment facilities and disinfection procedures. Results of daily total coliform bacteria monitoring, running 7-day median determination, and maximum daily coliform reading shall be reported monthly. If the maximum number of total coliform bacteria exceeds a MPN of 23 per 100 mL, the Discharger shall certify whether or not the MPN of 23 per 100 mL was exceeded in the previous 30-day period.

4. The Discharger shall review the monitoring results for compliance with Order No. R9-2007-0018 and submit a statement of compliance as part of this Monitoring and Reporting Program. The statement of compliance shall identify and report all violations of effluent limitations contained in Section B - Discharge Specifications of Order No. R9-2007-0018.

C. FILTRATION PROCESS MONITORING

1. Turbidity of the filter influent and effluent shall be continuously measured. If effluent turbidity exceeds 2 NTU based on a 24-hour average, or if the influent turbidity exceeds 5 NTU for more than 15 minutes or 10 NTU at any time, then the Discharger shall submit a written report of the incident as part of the monthly monitoring report to the Regional Board. The report shall describe the measures taken to automatically activate chemical addition or to divert wastewater.

D. REPORT SCHEDULE

1. Monitoring reports shall be submitted to the Regional Board in accordance with the following schedule:

REPORTING FREQUENCY	REPORT PERIOD	REPORT DUE
Monthly	January, February, March, April, May, June, July, August, September, October, November, December	By the 1 st day of the second month following the month of sampling or monitoring
Every 5 Years	January – December	February 1 st

Monitoring reports shall be submitted to:

ATTN: Northern Core Regulatory Program Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Ordered by: _____


JOHN H. ROBERTUS
Executive Officer

Date: April 11, 2007

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ORDINANCE NO. 43

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
CARLSBAD MUNICIPAL WATER DISTRICT (CMWD),
CARLSBAD, CALIFORNIA, MANDATING USE OF RECYCLED
WATER AND RESCINDING ORDINANCE NO. 31

WHEREAS, the people of the State of California have a primary interest in the development of facilities to reclaim water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the state; and (California Water Code Section 13510); and

WHEREAS, conservation of all available water resources requires the maximum reuse of wastewater for beneficial uses of water (California Water Code Section 461); and

WHEREAS, continued use of potable water for irrigation of greenbelt areas may be an unreasonable use of such water where recycled water is available (California Water Code Section 13550);

NOW, THEREFORE, the Board of Directors of the Carlsbad Municipal Water District (CMWD) of the City of Carlsbad, California, hereby ordains as follows:

SECTION 1: FINDINGS

The state policies described above are in the best interest of the District. The majority of jurisdictions in San Diego County have adopted measures to promote water reclamation. This ordinance is necessary to protect the common water supply of the region which is vital to public health and safety, and to prevent endangerment of public and private property. San Diego County is highly dependent on limited imported water for domestic, agricultural, and industrial uses. The reliability of the supply of imported water is uncertain. By developing and utilizing recycled water, the need for additional imported water can be reduced. In light of these circumstances, certain uses of potable water may be considered unreasonable or to constitute a nuisance where recycled water is available or production of recycled water is unduly impaired. Recycled water would be more readily available in seasons of drought when the supply of potable water for nonessential uses may be uncertain.

SECTION 2: WATER RECLAMATION POLICY

It is the policy of the District that recycled water shall be used within the jurisdiction wherever it has determined that its use is economically justified, financially and technically feasible, and consistent with legal requirements, preservation of public health, safety and welfare, and the environment.

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SECTION 3: DEFINITIONS

The following terms are defined for purposes of this ordinance:

3.1 AGRICULTURAL PURPOSES: Agricultural purposes include the growing of field and nursery crops, row crops, trees, and vines and the feeding of fowl and livestock.

3.2 ARTIFICIAL LAKES: A human-made lake, pond, lagoon, or other body of water that is used wholly or partly for landscape, scenic or noncontact recreational purposes.

3.3 COMMERCIAL OFFICE BUILDINGS: Any building for office or commercial uses with water requirements which include, but are not limited to, landscape irrigation, toilets, urinals and decorative fountains.

3.4 COVERAGE TEST: The coverage test means a field investigation by a cross-connection control specialist to verify that there is no overspray, misting, ponding, and runoff occurring when the irrigation system is in operation, and that proper color coding and signage is in place for the on-site facilities.

3.5 CROSS-CONNECTION TEST: A cross-connection test means to verify that the potable and recycled water supplies are not connected to each other by shutting down the recycled water supply to the on-site facilities for 24 hours and determining that the on-site facilities do not become pressurized by the potable water supply at any location. The purpose for the test is to demonstrate that at the time of the test there are no discoverable cross-connections between the site's potable and recycled systems.

3.6 GREENBELT AREAS: A greenbelt area includes, but is not limited to, golf courses, cemeteries, parks and landscaping.

3.7 INDUSTRIAL PROCESS WATER: Water used by any industrial facility with process water requirements which include, but are not limited to, rinsing, washing, cooling and circulation, or construction, including any facility regulated by the Industrial Waste Discharge Ordinance regulated by Chapter 13.16 of the Carlsbad Municipal Code.

3.8 OFF-SITE FACILITIES: Water facilities from the source of supply to the point of connection with the on-site facilities, normally up to and including the water meter.

3.9 ON-SITE FACILITIES: Water facilities under the control of the owner, normally downstream from the water meter.

3.10 POTABLE WATER: Water which conforms to the federal, state and local standards for human consumption.

3.11 RECYCLED WATER: Recycled water means water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource. (See California Water Code Section 13050(n).)

3.12 RECYCLED WATER DISTRIBUTION SYSTEMS: A piping system intended for the delivery of recycled water separate from and in addition to the potable water distribution system.

3.13 WASTE DISCHARGE: Waste discharge means water deposited, released or discharged into a sewer system from any commercial, industrial or residential source which contains levels of any substance or substances which may cause substantial harm to any water treatment or reclamation facility or which may prevent any use of recycled water authorized by law.

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SECTION 4: WATER RECLAMATION MASTER PLAN

4.1 **GENERAL:** Upon adoption of this ordinance, the District shall prepare and adopt by resolution a Water Reclamation Master Plan to define, encourage, and develop the use of recycled water within its boundaries. The Master Plan shall be updated not less often than every five years.

4.2 **CONTENTS OF THE WATER RECLAMATION MASTER PLAN:** The Water Reclamation Master Plan (Master Plan) will include the following:

4.2.1 **PLANTS AND FACILITIES.** Evaluation of the location and size of present and future reclamation treatment plants, distribution pipelines, pump stations, reservoirs, and other related facilities, including cost estimates and potential financing methods.

4.2.2 **RECYCLED WATER SERVICE AREAS.** A designation of the lands within the District service area that can or may in the future use recycled water in lieu of potable water. Recycled water uses may include, but are not limited to, the irrigation of greenbelt and agricultural areas, filling of artificial lakes, and appropriate industrial and commercial uses.

4.2.3 **QUALITY OF WATER TO BE RECLAIMED.** For each water reclamation treatment facility, an evaluation of water quality with respect to the effect on anticipated uses of recycled water to be served by each treatment facility.

4.2.4 **WATER QUALITY PROTECTION MEASURES.** Recommend control measures and management practices to maintain or improve the quality of recycled water.

4.2.5 **MANDATORY RECYCLED WATER USE.** Within the recycled water service area, a description shall be prepared of where greenbelt irrigation, agricultural irrigation, commercial office buildings, filling of artificial lakes, or industrial processes can be limited to the use of recycled water. This information shall be used by District officials to mandate construction of recycled water distribution systems or other facilities in new and existing developments for current or future recycled water use as a condition of any development approval or continued water service if future reclamation facilities are proposed in the Master Plan that could adequately serve the development.

4.2.6 **RULES AND REGULATIONS FOR RECYCLED WATER USE.** Establish by resolution, general rules and regulations governing the use and distribution of recycled water.

4.2.7 **COORDINATION AMONG AGENCIES FOR RECYCLED WATER USE.** An examination shall be made of the potential for initiating a coordinated effort between the Carlsbad Municipal Water District and other regional agencies to share in the production and utilization of recycled water.

SECTION 5: PROCEDURES

5.1 **EXISTING POTABLE WATER SERVICE:**

5.1.1 **PRELIMINARY DETERMINATION.** Based upon the Master Plan, and upon the designation of each recycled water service area or the commencement of the design of new recycled water facilities, the District shall make preliminary determinations as to which existing potable water customers shall be converted to the use of recycled water. Each water customer shall be notified of the basis for a determination that conversion to recycled water service will be required, as well as the proposed conditions and of the need for a plan of implementation for such conversion.

5.1.2 **NOTICE.** The notice of the preliminary determination, including the proposed conditions and time schedule for compliance, shall be sent to the water customer by certified mail.

1 **5.1.3 IMPLEMENTATION.** The water customer shall be required to submit a plan of
2 implementation to the Carlsbad Municipal Water District's Executive Manager or his designee
3 within ninety (90) days after receipt of the notice of preliminary determination.

4 The plan of implementation shall describe in detail how the water customer intends to
5 retrofit his water facilities to use recycled water in accordance with all Federal, State and local
6 laws and public health guidelines. The District shall provide the water customer upon request a
7 copy of its "Rules and Regulations for Recycled Water Use" to be a reference for water
8 customer's in preparing the required plan of implementation for their on-site facilities. All costs for
9 preparation of the plan of implementation are the responsibility of the water customer. Carlsbad
10 Municipal Water District's Executive Manager or his designee shall have the authority to approve
11 the water customer's plan of implementation within thirty (30) days after it is submitted to the
12 District. As an option, the District will prepare the "Plan of Implementation" at the District's cost for
13 the water customer, provided the water customer signs an acknowledgement to install and accept
14 the proposed improvements shown on the District approved Plan of Implementation.
15 Once approved, the plan of implementation must be implemented within six (6) months by the
16 water customer including completion of all coverage and cross connection tests and payment of
17 any plancheck and inspection fees if applicable. All costs for implementation of the improvements
18 on the Plan of Implementation are the responsibility of the water customer. If more than six (6)
19 months is required for the implementation, an appeal may be made for additional time to the
20 Carlsbad Municipal Water District's Board of Directors by submitting such appeal in writing to the
21 Executive Manager of the District.

22 **5.1.4 OBJECTIONS; APPEALS.** The water customer may file a notice of objection with
23 the District within thirty (30) days after any notice of determination to comply is delivered or
24 mailed to the customer, and may request reconsideration of the determination or modification of
25 the proposed conditions or schedule for conversion. The objection must be in writing and specify
26 the reasons for the objection. The preliminary determination shall be final if the customer does not
27 file a timely objection. The Executive Manager or his designee, shall review the objection with the
28 objector, and shall confirm, modify or abandon the preliminary determination or submit the
objection to the District's Board of Directors. The Board, at its sole discretion may confirm, modify
or abandon the preliminary determination or establish an alternative program intended to facilitate
the orderly development of the recycled water system.

18 **5.2 NEW DEVELOPMENT AND WATER SERVICE APPROVALS:**

19 **5.2.1 CONDITIONS.** Upon application by a developer, owner or water customer (herein
20 referred to as "applicant") for a tentative map, subdivision map, land use permit, or other
21 development project as defined by Government Code Section 65928, staff shall review the
22 Master Plan and make a preliminary determination whether the current or proposed use of the
23 subject property is required to be served with recycled water or to include facilities designed to
24 accommodate the use of recycled water in the future. Based upon such determination, use of
25 recycled water and provision of recycled water distribution systems or other facilities for the use
26 of recycled water, and such use may be required as a condition of approval of any such
27 application, in addition to any other conditions of approval.

28 **5.2.2 ALTERATIONS AND REMODELING.** On a case by case basis, upon application
for a permit for the alteration or remodeling of multi-family, commercial or industrial structures
(including, for example, hotels), staff shall review the Master Plan and make a preliminary
determination whether the subject property shall be required to be served with recycled water or
to include facilities designed to accommodate the use of recycled water in the future. Based upon
such determination, use of recycled water and provision of recycled water distribution systems or
other facilities for the use of recycled water, and application for a permit for such use, may be
required as a condition of approval of the application.

5.2.3 NOTICE OF DETERMINATION. A notice of the basis for the preliminary
determination, proposed conditions of approval and schedule for compliance shall be provided to
the applicant prior to approval of the development application.

1 5.2.4 REQUESTED SERVICE. On a case by case basis, to use recycled water on a
2 property not covered by Sections 5.1.1, 5.2.1, or 5.2.2 above, the District shall review the Master
3 Plan and make a determination whether the subject property shall be served with recycled water.
Based upon such determination, a written Notice of Determination will be provided to the water
customer by the District.

4 5.2.5 PLAN APPROVAL. Plans for the recycled and non-recycled water distribution
5 systems for the parcel shall be reviewed and approved by the District before on-site facilities are
6 constructed. A recycled water number will be assigned by the District and this number shall be
placed on the plans for record purposes.

7 5.2.6 FIELD INSPECTION. Prior to the use of recycled water, the District will perform a
8 coverage test and cross-connection test of the constructed on-site facilities to verify that they are
in compliance with the approved Plan and meet all California State Department of Health
9 Services requirements for use of recycled water. Upon approval of the coverage test, the water
customer will be required to fill out a Notice of Appointment of Site Supervisor form, and will be
10 provided Rules & Regulations for Recycled Water Use. The water customer's Site Supervisor will
also be required to attend the San Diego County Water Authority's training class on use and
11 handling of recycled water, or other approved training class. The coverage test will take place
after the recycled water meter is installed. The District and the City of Carlsbad has no required
12 fees for this work but the water customer is responsible for paying San Diego County Department
of Environmental Health applicable fees associated with this work.

13 5.3 TEMPORARY USE OF POTABLE WATER: At the discretion of the Executive Manager
or his designee, potable water may be made available on a temporary basis until recycled water
14 is available. Before the applicant receives temporary potable water, the on-site facilities must be
constructed in accordance with the Plan of Implementation and field inspected by the staff for
15 new on-site distribution facilities. Prior to commencement of recycled water service, a coverage
and cross-connection test of the on-site facilities will be conducted to verify that the facilities have
16 been maintained and are in compliance with the recycled water irrigation system Plan of
Implementation and current requirements for service. Upon verification of compliance, recycled
17 water shall be served to the parcel for the intended use. The District shall provide written notice if
the facilities are not in compliance, and the applicant shall be notified of the corrective actions
18 necessary and shall have sixty (60) days to take such actions prior to initiation of enforcement
proceedings. The water customer will be required to fill out the form described in Section 5.2.6,
19 and the Site Supervisor will be required to attend the San Diego County Water Authority's class
on use and handling of recycled water or other approved training class.

20 5.4 RECYCLED WATER RATE: The rate charged for reclaimed water shall be established
21 by resolution of the Board of Directors.

22 **SECTION 6: REGULATION OF BRINE DISCHARGE TO SEWAGE SYSTEMS**

23 6.1 INTENT: The Carlsbad Municipal Water District recognizes that to maintain adequate
wastewater quality for water reclamation treatment processes, and to protect public and private
24 property, restrictions may be required on certain industrial, commercial, and residential waste
discharges to a sewerage system that is located within a designated tributary area of an existing
25 or planned reclamation facility.

26 6.2 ADOPTED TRIBUTARY PROTECTION MEASURES: Waste discharges to the sewage
system from any industrial, commercial, or residential source, may be restricted or prohibited
27 upon a finding, following a noticed public hearing, that the type or class of discharge involved is
capable of causing or may cause substantial damage or harm to any sewage treatment or
28 reclamation facility or to any significant user or users or potential user or users of reclaimed water
within an area which has been planned for reclaimed water services.

1 **SECTION 7: SANCTIONS**

2 7.1 PUBLIC: Discharge by any person or entity of wastes or the use of recycled water in any
3 manner in violation of this ordinance or of any permit issued hereunder is subject to prosecution
for a misdemeanor.

4 7.2 INJUNCTION: Whenever a discharge of wastes or use of recycled water is in violation or
5 threatens to cause a violation of this ordinance, the District's attorney may seek injunctive relief
as may be appropriate to enjoin such discharge or use.

6 7.3 REVOCATION: In addition to any other statute or rule authorizing termination of water
7 service, the District may revoke the use of recycled water if a violation of any provision of this
ordinance is found to exist or if a discharge of wastes or use of recycled water causes or
8 threatens to cause violation of this ordinance.

9 7.4 PENALTY: Except as provided in Subsection 7.1, any owner and/or operator who violates
this ordinance shall be subject to:

- 10 A. A fine not exceeding one hundred dollars for the first violation;
11 B. A fine not exceeding two hundred dollars for the second violation within one year;
12 C. A fine not exceeding five hundred dollars for the third violation within one year;
13 D. A fine not exceeding one thousand dollars for the fourth and each additional violation
within one year.

14 Each and every day during any portion of which any violation of this ordinance is committed,
15 continued or permitted shall be a separate offense. In addition, potable water service to the
16 property may be discontinued.

17 **SECTION 8: VALIDITY**

18 If any provision of this ordinance or the application thereof to any person or circumstance is held
19 invalid, the remainder of the ordinance and the application of such provisions to other persons or
20 circumstances shall not be affected thereby.

21 **SECTION 9:** The District finds that this Ordinance and actions taken hereafter pursuant to this
22 Ordinance are exempt from the California Environmental Quality Act as actions taken to assure
the presentation and enhancement of water resources in accordance with CEQA Guidelines
Sections 15307 and 15308. The Executive Manager of the District is authorized and directed to
file a Notice of Exemption as soon as possible following adoption of this Ordinance.

23 **SECTION 10: EFFECTIVE DATE**

24 This ordinance shall be effective thirty (30) days after its adoption and the Secretary of the Board
25 of Directors shall certify to the adoption of this ordinance and cause it to be published at least
26 once in a newspaper of general circulation in the City of Carlsbad within fifteen (15) days after its
27 adoption.

28 **SECTION 11: (REPEAL)**

That Ordinance No. 31 of the District, relating to mandating the use of reclaimed water, is hereby
repealed in its entirety.

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1 INTRODUCED AND FIRST READ at a regular meeting of said Board of Directors held on
2 the 14th day of JUNE, 2005, and thereafter,

3
4 PASSED, APPROVED AND ADOPTED at a special meeting of the Carlsbad Municipal
5 Water District held on the 21st day of JUNE, 2005 by the following vote, to wit:

6 AYES: Board Members Lewis, Hall, Kulchin, Packard, Sigafoose

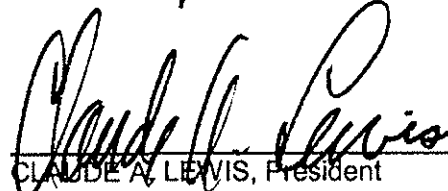
7 NOES: None

8 ABSENT: None
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12 APPROVED AS TO FORM AND LEGALITY:

13 
14 RONALD R. BALL, General Counsel

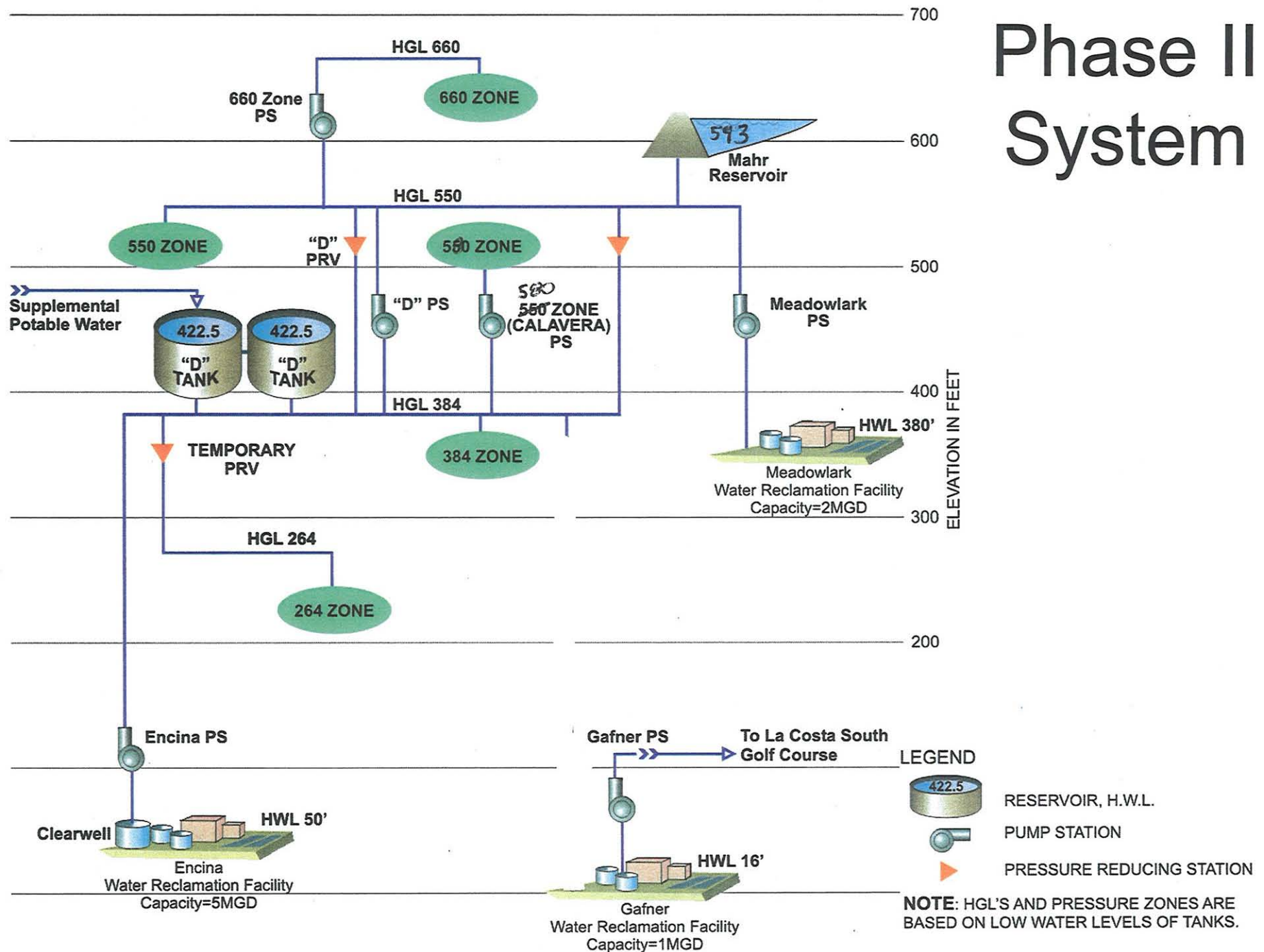
6/22/05.

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17 CLAUDE A. LEWIS, President
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19 ATTEST:

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22 LORRAINE M. WOOD, Secretary
23 (SEAL)
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28

Phase II System



Carlsbad Municipal Water District Historical Seasonal Recycled Water Use

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Average Ratio
January	11.5	42.9	18.2	33.9	11.2	14.2	68.3	136.3	79.4	48.3	75.4	60.8	47.5	72.5	118.1	67.9	55.90
February	8.0	25.4	10.6	12.1	34.6	22.3	15.0	56.9	39.9	77.7	82.1	57.4	18.0	145.3	72.4	47.2	45.18
March	15.6	21.7	9.5	16.7	108.2	50.9	55.3	17.1	11.0	100.7	55.5	67.0	28.2	41.1	119.5	158.7	47.87
April	54.3	36.0	42.0	89.4	132.4	90.7	64.7	166.2	162.7	104.4	143.1	168.0	167.7	64.8	243.4	338.3	115.32
May	112.1	64.1	89.8	152.5	181.7	161.2	143.8	142.2	183.5	160.4	146.6	188.7	225.3	159.7	265.6	382.7	158.48
June	136.4	107.9	126.9	223.4	215.5	228.6	204.1	254.0	177.9	277.8	179.6	246.6	213.0	220.3	344.4	486.4	210.43
July	140.5	118.5	149.1	198.2	179.2	191.6	190.5	278.6	217.3	200.8	194.5	259.7	267.8	289.0	418.0	440.5	219.55
August	120.8	150.7	193.4	203.0	171.2	208.3	368.0	248.3	221.7	235.2	192.7	240.8	304.4	281.3	366.7	560.6	233.77
September	151.2	180.2	181.9	158.0	152.5	158.6	183.9	207.2	229.9	160.9	213.2	229.6	217.0	288.3	397.8	411.8	207.35
October	114.2	88.6	128.5	130.2	110.3	103.8	187.9	177.5	178.1	194.1	150.7	199.5	225.0	216.6	366.1	452.5	171.41
November	52.9	69.3	78.1	29.8	24.0	33.2	146.1	91.9	128.3	109.5	95.8	35.0	89.9	220.7	280.1	319.4	98.97
December	30.6	38.7	62.0	10.9	26.2	68.3	100.7	106.7	51.5	65.3	80.0	68.9	162.6	115.6	69.2	115.5	70.48
Total	948.1	944.0	1090.0	1258.1	1347.0	1331.7	1728.3	1882.9	1681.2	1735.1	1609.2	1822.0	1966.4	2115.2	3061.3	3781.3	1634.70
Average	79.01	78.67	90.83	104.84	112.25	110.98	144.03	156.91	140.10	144.59	134.10	151.83	163.87	176.27	255.11	315.11	136.23

Reclaimed water use reported in acre feet

ORDINANCE NO. 45

AN ORDINANCE OF THE BOARD OF DIRECTORS OF CARLSBAD MUNICIPAL WATER DISTRICT (CMWD), CARLSBAD, CALIFORNIA, TO DEFINE AND ESTABLISH PRICES AND CONDITIONS OF WATER DELIVERY; TO PROVIDE METHOD OF ESTABLISHING AND FIXING RATES AND CHARGES FOR WATER DELIVERED; TO PROVIDE METHOD FOR EXTENSION OF CMWD FACILITIES; REGULATING THE ISSUANCE OF WATER METERS; ESTABLISHING PROCESS AND FEES FOR ENGINEERING SERVICES RELATED TO LAND DEVELOPMENT; DEFINING METERS AND FIRE HYDRANTS, WATER EFFICIENT LANDSCAPING; CROSS CONNECTION CONTROL PROGRAM; ESTABLISHING PROCEDURES FOR WORK IN CMWD RIGHT-OF-WAY; AND REPEALING ORDINANCES 26, 29, 37, 39, 40, AND 42.

WHEREAS, Carlsbad Municipal Water District, hereinafter called CMWD, is organized under the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the California Water Code; and

WHEREAS, on April 25, 1989, the City of Carlsbad adopted Resolution No. 89-126 which established the CMWD as a subsidiary district to the City of Carlsbad effective January 1, 1990, where the responsibilities for the City's water system were transferred to the CMWD; and

WHEREAS, the City of Carlsbad's water system was operated under its Municipal Code Title 14 "Water" which does not apply to CMWD, but specific provisions from Title 14 concerning improvement plan review, water or recycled water meters, water or recycled water service connections, service charges, water or recycled water pipeline extensions and facilities, and cross connection control program need to be addressed in a new CMWD Ordinance; and

WHEREAS, the Municipal Water District Law of 1911 provides the method by which CMWD shall establish types and conditions of service, fix rates and charges, provide a method of extension of facilities and repeal existing Ordinances as necessary; and

WHEREAS, on June 4, 1996, by adoption of Resolution No. 939, the Board revised the Delivery Charge basis, retained the "Commodity Charge" basis, revised the Connection fee basis, established the reclaimed water Commodity charge, and reclaimed water Connection fee; and

WHEREAS, on August 13, 1996, by adoption of Resolution No. 954, the Board of Directors of CMWD eliminated the "New Demand Charge" applicable to Metropolitan Water District of Southern California; and

1 WHEREAS, on November 18, 2003, by adoption of Resolution No. 1194, the
2 Board of Directors of CMWD approved the 2003 CMWD Water Master Plan Update and
3 changed the CMWD Water Service Connection fee; and

4 WHEREAS, on November 18, 2003, by adoption of Ordinance No. NS-682, the
5 City Council for the City of Carlsbad approved CMWD Water Connection Fee annual
6 adjustment using Engineering News Record percentage change with the base index in
7 effect in December 2003, and modified Title 14 of the Municipal Code Chapter
8 14.16.120 Service Connection Charges; and

9 WHEREAS, on June 14, 2005, by adoption of Ordinance No. 43, the Board of
10 Directors of CMWD mandated the use of recycled water and rescinded Ordinance No.
11 31; and

12 WHEREAS, present conditions render provisions in existing Ordinances No. 26,
13 29, 37, 39, 40 and 42 unnecessary; and

14 WHEREAS, the Board of Directors of CMWD deem it expedient, proper and
15 necessary to establish and define types and conditions of water delivery, provide
16 method of fixing rates and charges, provide for extension of facilities, establish
17 procedure for work in CMWD right of way, and repeal certain existing Ordinances.

18 NOW, THEREFORE, the Board of Directors of the CMWD of the City of
19 Carlsbad, California, hereby ordains as follows:

20 **ARTICLE I - REPEAL**

21 That Ordinances Nos. 26, 29, 37, 39, 40 and 42 are hereby repealed in their entirety.

22 **ARTICLE II – GENERAL REGULATIONS**

23 **SECTION 1: Definitions**

24 The following terms are defined for purposes of this ordinance:

- 25 1.1 "Applicant" means a person who applies for water or recycled water service.
- 26 1.2. "Board" means Board of Directors of the Carlsbad Municipal Water District.
- 27 1.3. "City of Carlsbad" means a municipal corporation in the State of California.
- 28 1.4. "CMWD" means Carlsbad Municipal Water District.
- 1.5. "Connection" means the metered water or recycled water service connection
 from a CMWD water or recycled water pipeline facility, respectively.
- 1.6. "Cost" includes labor, material, transportation, expense, supervision,
 engineering and other necessary overhead expense.
- 1.7. "Customer" means any person to whom the CMWD supplies water or
 recycled water service under a contract, either expressed or implied, to make
 payment therefore.
- 1.8. "Delivery Charge" means the minimum monthly charge to a customer for
 availability of service, the revenue from which enables the CMWD to maintain

and operate a water system and a separate recycled water system ready to deliver to a customer. The Delivery Charge shall be based on the size of the water meter that is appropriate to provide service for the customer.

1.9. "Engineering Service Fees" means plan checking and inspection service fees for review of water and recycled water facility improvement plans submitted by applicant, customer or their Engineer and subsequent inspection of the installation of water and recycled water facilities in conformance with approved standard drawings and specifications.

1.10. "Extension" means water or recycled water pipeline extension.

1.11. "Executive Manager" shall mean the position that reports to the Board of Directors of the Carlsbad Municipal Water District.

1.12. "General Counsel" means the position that has been appointed by the Board of Directors to advise on legal matters.

1.13. "General Manager" means the position that reports to the Executive Manager of the Carlsbad Municipal Water District and is responsible for the operation and maintenance of the water system and recycled water system.

1.14. "Industrial or commercial" means any customer using water or recycled water for a building or landscape irrigation of the site that is not a residential unit for the purpose of producing goods or services other than the services of housing, permanent or transient occupants.

1.15. "Legal or equitable owner" means any owner of record, mortgage trustee or contract purchaser.

1.16. "Meter" means device to measure the amount of water or recycled water the customer uses in units where one unit is 748 gallons.

1.17. "Pipeline" means an existing or proposed water or recycled water pipeline in the water or recycled water distribution system, respectively of the CMWD.

1.18. "Public Works Director" means the Public Works Director of the City of Carlsbad or his designated representative. The Public Works Director is responsible for the engineering decisions required for the planning, design, and construction of CMWD's water and recycled water facilities.

1.19. "Recycled water", sometimes referred to as reclaimed water, means water obtained from the treatment of domestic waste water which is suitable for direct beneficial use or a controlled use that otherwise would not occur and also meets the highest level in conformance with California Code of Regulations, Title 22, Division 4, Chapter 3 (use of recycled water for irrigation and for impoundments), currently section 60304 and section 60305.

1.20. "Recycled Water Connection Fee" means the fee paid for the planning, design and construction of capacity improvements and/or new facilities required for the delivery, distribution, and storage of recycled water.

1.21. "Residential Unit" means any single family residential living unit which includes but is not limited to the following: houses, duplexes, apartments, condominiums, and mobile homes.

1.22. "Risk Manager" means the Risk Manager of the City of Carlsbad.

1.23. "Service Connection" includes the tapping of a CMWD water or recycled water pipeline and the laying of a service line from the tapped connection on the pipeline to the meter location.

1.24. "Water" means potable water fit for human consumption in accordance with applicable State of California Department of Public Health (CDPH) standards.

1.25. "Water Connection Fee" means the fee paid for the planning, design and construction of capacity improvements and/or new facilities required for the delivery, distribution, and storage of water.

SECTION 2: Wasting Water; Report to CMWD

No person shall willfully or neglectfully waste water in any manner whatsoever; and any person having knowledge of any condition whereby water is being wasted shall notify the CMWD of such fact by contacting the Executive Manager.

SECTION 3: Adoption of Rules and Regulations

The Board may, from time to time by resolution, adopt rules and regulations for the operation and maintenance of the water and recycled water facilities of the CMWD, and for furnishing water or recycled water to customers, and may likewise by resolution modify the rates, charges, fees and penalties established and imposed by this Ordinance, and may from time to time by resolution prescribe rules for the extension of water or recycled water pipelines within the boundaries and outside the boundaries of the CMWD.

The Executive Manager may, from time to time, issue rules and regulations to carry out the purposes of this Ordinance.

SECTION 4: Failure to Comply with Rules and Regulations or Pay Rates; Penalty

On failure to comply with the rules and regulations established by the CMWD as a condition precedent to the right to use the water or recycled water, or to pay rates or any charges imposed, in the time and manner stated in this Ordinance, upon reasonable notice, the water and recycled water will be shut off until payment of amount due including a ten percent (10 %) late fee is received by CMWD. Charges not paid after 44 days are considered delinquent and are subject to additional fees. Charges will continue to accrue until customer notifies the CMWD to discontinue service. CMWD may be notified in writing or by calling the City of Carlsbad's Billing Division of the Finance Department. If the water or recycled water bill remains unpaid after forty four (44) days following the mailing date of such bill, then the Executive Manager may cause the water or recycled water service to be shut off from the premises where the delinquency occurs and the same meter shall remain shut off until all bills, plus any additional charges shall have been paid.

SECTION 5: Turning Water or Recycled Water On and Off from Premises

No one except an authorized employee of the CMWD or City of Carlsbad shall turn the water or recycled water on or off from any building or premises at a service gate valve, angle meter stop valve, or corporation stop valve located upstream of the meter.

1 **SECTION 6: Persons Not to Interfere with CMWD Water System**

2 No person shall in any manner whatsoever meddle, tamper with, or interfere with any
3 part of the water or recycled water system of the CMWD.

4 **SECTION 7: Entrance Upon Private Property by Employees of CMWD**

5 Any authorized employee of the CMWD or City of Carlsbad shall be admitted at all
6 reasonable hours to all open areas of the premises supplied by water or recycled water
7 to verify facilities are in good operating condition, to make any repairs, replacements or
8 improvements, and to verify that rules and regulations are observed by the customer.

9 **SECTION 8: Right of CMWD to Enter Premises, Install Meters and Enforce**
10 **Collection of Charges**

11 Any authorized employee of CMWD or City of Carlsbad shall have the right at any time,
12 and at any point where water or recycled water is used, to install a water or recycled
13 water meter of adequate size, and enforce collection for the amount of water or recycled
14 water that shall be used, in accordance with all the Ordinances, Rules and Regulations
15 of the CMWD governing the consumption of water or recycled water, and for that
16 purpose may at any time go upon the premises of the customer of water or recycled
17 water.

18 **SECTION 9: Interference with Inspection; Stoppage of Service; Notice Required**

19 In case any authorized employee or agent of the CMWD or City of Carlsbad be refused
20 admittance to any premises supplied with water or recycled water by the CMWD, or on
21 being admitted he or she shall be hindered or prevented from making such examination
22 or inspection by any person, or for any reason thereto, the maintenance on such
23 premises of a vicious dog or animal, or for any other reason, the Executive Manager of
24 the CMWD may cause the service of water or recycled water of such premises to be
25 discontinued, after giving written notice to the owner or occupant thereof of his/her
26 intention to do so.

27 **SECTION 10: Service of Notice of Stoppage of Water or Recycled Water Service**

28 Such notice as is provided for in Section 9 shall be deemed served upon the legal
owner or occupant thereof if it is mailed to his/her last known address, and a copy
thereof mailed to such premises if his/her mailing address is not at such premises, or a
door hanger may be placed at the premises by CMWD or City of Carlsbad employee
notifying legal owner or customer of water or recycled water service being shut off, or
other method that the Executive Manager determines to be legally sufficient to ensure
adequate notification is received by the legal owner or occupant.

Water or recycled water service may be discontinued until the customer or owner has
given satisfactory assurance to the Executive Manager that any such employee will not
be hindered or prevented from making such examination or inspection.

SECTION 12: Liability of CMWD to Damage from Break Beyond Meter

The CMWD will not be responsible for injuries or damages to buildings or their contents from any water leakage, damage or earth movement originating from a break beyond the meter connection.

SECTION 13: Responsibility for Damage Resulting from Turning Off Water or Recycled Water

The CMWD shall not be responsible for any damage, such as bursting of boilers, damage to crops or landscaping, the breaking of any pipe or fixture, stoppage or interruption of water or recycled water supply, or any other damage resulting from the shutting off of water or recycled water.

SECTION 14: Unlawful Use of Water, Recycled Water, Facilities and Appurtenances

It is unlawful for any person to open any fire hydrant, corporation stop valve, gate valve, angle meter stop valve or to interfere in any manner with any water service, water connection, or any water meter attached to any service pipe connected to the water pipelines, or to turn on or off water or recycled water pipelines of the CMWD, or to tap, break, or injure any water or recycled water pipeline of the CMWD, or any reservoir, pumping station or pressure reducing station of the CMWD, or to tap any water or recycled water service pipe, or take or draw water from any water pipe or fire hydrant of the CMWD without paying the established water rate therefor, after having made written application and received permission therefore as provided by this ordinance or in anywise to trespass upon the public property of the CMWD without written permission first being obtained from the CMWD.

SECTION 15: Bills for Labor, Materials

All bills for labor and materials furnished, or other charges not provided for otherwise, shall become due and payable thirty days from date of mailing.

SECTION 16: Settlement of Disputes between Customer and CMWD

If a dispute arises between any water or recycled water customer and the CMWD concerning water or recycled water service or the amount of a water or recycled water bill to such customer, the dispute may be settled, subject to the approval of the Board, by the Executive Manager. The final decision and settlement of any such dispute shall be recorded in the minutes of the Board.

The provisions and procedures provided for in this section are permissive only and shall in no way affect the other provisions of this Ordinance.

1 **SECTION 17: No Mandatory Duty**

2 Nothing in this Ordinance is intended to create a mandatory duty on behalf of CMWD or
3 the City of Carlsbad and/or its employees under the Government Tort Claims Act and
4 no cause of action against CMWD or the City of Carlsbad and/or its employees is
5 created by this chapter that would not arise independently of the provisions of this
6 ordinance.

7 **SECTION 18: Claims for Damage.**

8 (a) No claim for injuries or damages against the CMWD shall ever be allowed or
9 paid unless there has been first filed with the Secretary to the Board a claim
10 therefor within the time periods required by subsection (b) of this section. All such
11 claims for damages shall be first verified by the claimant before an officer
12 authorized to administer oaths.

13 (b) A claim relating to a cause of action for death or for injury to person or to
14 personal property or growing crops shall be filed not later than six months after the
15 accrual of the cause of action. A claim relating to any other cause of action shall be
16 filed not later than one year after the accrual of the cause of action.

17 **ARTICLE III**

18 **RETAIL WATER AND RECYCLED WATER RATES, AND**
19 **COLLECTION THEREOF**

20 **SECTION 1: New Account Fee**

21 A new account fee as determined by resolution of the Board will be assessed on a
22 customer on their first bill. The CMWD requires at least 24 hours notice of water service
23 turn-on. If customer contacts the CMWD the same day that customer wants service
24 turned on, then the customer will have an additional charge assessed on their next
25 water bill. If customer requests service on holidays, weekends, or after 5:00 p.m. on
26 weekdays to have water turned on the same day, then a charge must be paid to the
27 CMWD on the following normal working day.

28 **SECTION 2: Continuity of Service Fee (Landlords Only)**

 The CMWD will provide a continuity of service fee option for landlords only who wish to
 retain water service to rental properties during periods of vacancy. The Continuity of
 Service must be requested by the Landlord and a fee, as determined by a resolution of
 the Board, paid to CMWD. The water bill will be sent to the Landlord's address and the
 Landlord will be billed for the Continuity of Service fee.

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1 **SECTION 3: Delivery Charge**

2 The CMWD shall charge each customer a monthly Delivery Charge for each service
3 connection with a meter in such amounts as provided by resolution of the Board as
4 adopted from time to time.

5 **SECTION 4: Delivery Charge for Residential Automatic Fire Extinguishing
6 System**

7 When a water meter for a single family residential unit is required to provide standby
8 capacity for a automatic fire extinguishing system, the Delivery Charge will be
9 determined according to the size of the meter necessary to meet the water use
10 requirements for the customer, as determined according to the rules of the CMWD,
11 without consideration of additional size necessary to provide the Delivery Charge. The
12 Delivery Charge to provide water for a automatic fire extinguishing system is required
13 when (1) the automatic fire extinguishing system is required by law, including any
14 requirement imposed as a condition of development, permit, or occupancy, and (2) the
15 fire chief, fire marshal or building official of the City of Carlsbad has provided a written
16 statement verifying the requirement for additional meter size. The determination under
17 this section shall be made at the time the meter is first obtained, or at the time a meter
18 is replaced with one of greater size because of the later installation of the automatic fire
19 extinguishing system. This provision shall not apply to meters greater than one inch in
20 size.

21 **SECTION 5: Delivery Charge - Proration**

22 The delivery charge will be prorated based on the normal date the meter is read for the
23 month that water service is started.

24 **SECTION 6: Delivery Charge Where House Becomes Vacant; Request for
25 Discontinuance of Service**

26 If a single family residence becomes vacant, the regular monthly Delivery Charge shall
27 be charged and collected from the owner thereof; whether water is used or not; until the
28 day upon which the office of the CMWD is notified of the fact that the property is
29 unoccupied and is requested to shut off water therefrom.

30 **SECTION 7: Rate Structure**

31 The CMWD rate structure shall be approved by the Board. Rates shall be set at a level
32 sufficient to pay for water purchases, maintenance and operations, debt service,
33 replacement funding, adequate reserves, and to meet the objectives established by the
34 Board.

35 Residential Water Rate - The Residential water rate is a tier rate per unit of water used
36 where one unit equals 748 gallons.

1 Commercial/Non-Residential – The Commercial/non-residential water rate is a flat rate
2 per unit of water used where one unit equals 748 gallons.

3 Agricultural Water Rate - The Agricultural water rate shall be in compliance with the rate
4 reduction and rules and requirements adopted by the Metropolitan Water District of
5 Southern California and the San Diego County Water Authority in relation to cost and
6 availability of imported water. Once a customer is authorized an Agricultural Water
7 Rate, that customer must comply with water supply reductions under CMWD's
8 Ordinance 30 when the Board declares Stage 2 or higher water conservation stages.

9 The Recycled Water Rate – The Recycled water rate is a flat rate per unit of recycled
10 water used where one unit equals 748 gallons, and applies only to the delivery of
11 recycled water to the customer.

12 **SECTION 8: Water Rates, Charges, and Fees to be Established by Resolution**

13 The rates, charges, and fees for all water and recycled water delivered by CMWD shall
14 be fixed, and may be changed as necessary, by Resolution of the Board after following
15 the provisions required by the California Constitution. All water and recycled water bills
16 shall be due on mailing and must be paid by the due date printed on the water or
17 recycled water bill.

18 **SECTION 9: Meter Readings and Billings**

19 Meters shall be read and billings rendered on a monthly basis. The billing period is 30
20 days and is based on the meter reading date. The date on which the bill is deemed
21 delinquent shall be indicated on the bill.

22 **SECTION 10: Service Charges to be a Lien Against Property of Consumer**

23 In addition to any other remedy provided for in this Article for the enforcement and
24 collection of any water and recycled water rates, charge, fee or account, all rates
25 provided for in this Ordinance shall be charged against the property on which it is
26 furnished, and against the owner thereof, and shall be a lien against the premises to
27 which any water or recycled water may be supplied, and a charge against the owner
28 thereof and the occupant thereof using the water. If for any cause any sums owing
therefore become delinquent, the water or recycled water shall be cut off and in no case
shall it be turned on to the same property until all such delinquencies shall have been
paid in full. Such property owner and occupant shall be severally responsible to the
CMWD in an action brought by the CMWD in any Court of competent jurisdiction for the
amount of all such money as may be due and unpaid, together with all penalties
provided herein and costs. No change of ownership or occupation shall affect the
application of this Article. This section shall not apply to non-permanent connections.

29 **SECTION 11: Shutting Off Water on Supply Side of Meter**

30 Upon the written request or call to the City's Billing Division of the Finance Department,
31 of the customer or occupant of a building or premises to have the water shut off on the
32 supply side of the meter, the CMWD shall have the water shut off, and at the time
33 record the reading of the meter and render a bill in a sum which shall be the greater of

1 the amount of water used according to the rates and charges provided for, or for the
2 monthly minimum charge due for the fractional part of the month.

3 **SECTION 12: Adjustment of Bills for Meter Error**

4 (a) Fast Meters: When upon test, a meter is found to be registering fast within the
5 tolerances above set forth in Article IV, Section 6, the CMWD shall refund to the
6 customer the amount of the overcharge, based upon corrected meter readings for the
7 period the meter was in use, but not-to-exceed a period of six months.

8 (b) Slow Meters: When, upon test, a meter is found to be registering slow beyond
9 the tolerances above set forth in Article IV, Section 6, the CMWD shall bill the customer
10 for the amount of the undercharge, based upon corrected meter readings for the period
11 the meter was in service, but not-to-exceed a period of six months.

12 (c) Failed Meter Reads: In the event a water meter fails to register during any month,
13 a charge will be made based upon three month average amount of water used during
14 the same period for the previous year. In the event there was no meter at this place
15 during the previous year, a charge will be made upon an estimate fixed by the CMWD,
16 which shall be paid by the customer.

17 (d) General: When it is found that the error in a meter is due to some cause, the date
18 of which can be fixed, the overcharge or the undercharge shall be computed back to,
19 but not beyond, such date.

20 **ARTICLE IV**

21 **METERS, SERVICE CONNECTIONS, CONNECTION FEES AND PAYMENT 22 THEREOF**

23 **SECTION 1: Service Connections in Public Right-of-Way or Easements**

24 All water service connections shall be in conformance with CMWD standard
25 specifications and standard drawings in affect at the time the connection is installed;
26 and all such connections must be inspected and approved by the Public Works Director
27 or his designated representative before water is admitted through meters.

28 **SECTION 2: Meter Installation**

All water and recycled water meters shall be new or be certified for accuracy to meet
standards of the American Water Works Association through testing performed or
approved by the CMWD before being installed.

SECTION 3: Service Connection and Meter Ownership

The "Water/Sewer Connection Permit" shall note the date of connection for all service
connections, and upon this date the service connection will become the property of the
CMWD and the CMWD's responsibility to maintain. The meter will become the property
of the CMWD and the CMWD's responsibility to maintain upon its installation by CMWD
or its authorized agent.

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2 **SECTION 4: Charges for Replacement, Repairs or Adjustment Caused by**
3 **Negligence, Etc., of Customer, Non-Payment**

4 Where replacement, repairs or adjustments of any service connection or meter are
5 deemed necessary by the act, negligence or carelessness of the customer, any
6 expense caused the CMWD thereby, shall be charged against and collected from the
customer. If the customer fails to pay such charges, water may be shut off until such
charges are paid.

7 **SECTION 5: Examination of Meters at Customer's Request - Deposit**

8 Any customer may request that the meter, through which water or recycled water is
9 being delivered, be examined and tested by the CMWD or Maintenance and Operations
10 Department of the City of Carlsbad for the purpose of ascertaining whether or not it is
11 registering correctly the amount of water which is being delivered to it. Such request
12 shall be accompanied by payment of a deposit fee as established by resolution of the
Board. Upon receipt of such request, the Executive Manager will cause the meter to be
examined and tested for the purpose of ascertaining whether or not it is registering
correctly the water or recycled water being delivered through it.

13 **SECTION 6: Examination of Meters at Customer's Request – Replacement of**
14 **Defective Meter; Forfeiture of Deposit**

15 If, on examination and test, the meter shall be found to register a percentage of more or
16 less than actually passes through it, than allowed by the tolerances for such a meter as
17 established by the American Waterworks Association standards, another meter shall be
18 substituted therefore. If the meter is determined to be registering more water than
19 actually passes through it within the tolerances above set forth, the above deposit will
be refunded to the customer, but in the event the meter shall be found to be accurate or
registering less water than actually passes through it, the fee so deposited shall be
forfeited to the CMWD.

20 **SECTION 7: Water Meter Permit**

21 It is unlawful for any person to connect to or use the CMWD's water system without first
22 obtaining a Water Meter Permit. That concurrently with issuance of a valid building
23 permit for a new structure or for a mobile home, upon application and payment of the
24 required fees, the CMWD's Executive Manager may authorize connection of the
25 structure for which the building permit has been issued or the mobile home has been
26 issued, to the water system. Every Water Meter Permit issued shall be returned if the
27 building permit for the structure to which the connection is being made or for the mobile
28 home to be connected, expires by limitation or otherwise becomes null and void. If a
Water Meter Permit has expired, then before the connection for such structure or mobile
home can be made, a new Water Meter Permit shall be obtained and the fee shall be
one-half of the required fee for the original Water Meter Permit unless one year has
passed since the expiration in which case the fee shall be the same as a new Water

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1 Meter Permit. Water Meter Permits for the connection of an existing structure to the
2 water system may be issued by the Executive Manager at any time upon proper
application.

3 Every Water Meter Permit issued pursuant to this subsection shall expire by limitation
4 and become null and void if work on the connection authorized by such permit is not
5 completed within one hundred eighty (180) days from the date of issuance of such
permit. Reasonable extensions may be granted by the Executive Manager in writing.

6 **SECTION 8: Water and Recycled Water Connection Fee**

7 Applicants for installation of a service connection(s) shall pay a Water Connection Fee,
8 and at locations where recycled water is to be used, a Recycled Water Connection Fee
in the amount as set from time to time by a resolution of the Board. The recycled water
9 connection fee shall be equal to the water connection fee for the same size meter;
however, a recycled water connection is not required to pay San Diego County Water
10 Authority's water connection fee. When a water meter for a single family residential unit
is required to provide standby capacity for a automatic fire extinguishing system, the
11 water connection fee will be determined according to the size of the meter necessary to
meet the water use requirements for the customer, as determined according to the rules
12 of the CMWD, without consideration of additional size necessary to provide the delivery
of water for the automated fire extinguishing system. The water connection fee and
13 recycled water connection fee shall be adjusted annually by a resolution of the Board by
the percentage change in the Engineering News Record Los Angeles Construction Cost
14 Index with the base index in effect in December 2003, or subsequent resolution of the
Board.

15 For all residential units, the water connection fee shall be paid at the time of issuance of
16 a building permit for the property. For commercial and industrial development projects
the water connection fee shall be paid at the time of application for a "Water Meter
17 Permit". The Recycled water connection fee shall be paid at the time the recycled water
irrigation system has been tested by the City of Carlsbad's Cross connection specialist
18 and recycled water can be supplied to the irrigation system. Customer shall provide
CMWD a 24-hour notice for the recycled water irrigation meter.

19 A credit on a water or recycled water connection fee will be made for the exchange of
20 an existing meter service for a new meter service, or relocation of a meter service. The
21 credit shall only apply to the water or recycled water connection fee. The credit amount
shall be based on the connection fee amount in affect at the time the exchange is made.
22 No credit shall be applied for exchange to a smaller meter.

23 **SECTION 9: Minimum Water Meter Size for Buildings**

24 (a) Residential Unit - For residential units the minimum size meter shall be 5/8", except
25 where the residential unit is larger than 3,500 square feet or on a lot larger than one
quarter (1/4) acre where the meter size shall be 3/4". Where there is a residential
26 automatic fire extinguishing system the minimum meter size shall be 1".

(b) Commercial and Industrial - For a commercial building, office condominium, and industrial building an estimate shall be made of the supply demand in gallons per minute (gpm) as determined from the California Plumbing Code "Appendix A", latest adopted edition by the City of Carlsbad. In addition, for industrial buildings all process water demand, if applicable, shall be added to the supply demand determined above in "Appendix A" to determine the peak supply demand. The estimated peak supply demand shall be compared to the maximum rated capacity of each meter size and the capacity of the selected meter size shall be capable of conveying the peak supply demand calculated in gpm for the building.

SECTION 10: Irrigation Water Meters

A meter and service connection used for landscape irrigation exclusively shall be installed in accordance with CMWD standard specifications and drawings in affect at the time the connection is made. The size of the irrigation water meter(s) and service connection shall be determined by the landscape architect based on the flow demand in gallons per minute (gpm) for the area to be irrigated. The minimum size meter(s) shall be capable of supplying the peak irrigation water demand determined.

At locations where water is used for irrigation, then the water connection fees shall be based on the CMWD connection fee and charges, and also include the San Diego County Water Authority's connection fee applicable to the meter size. If recycled water is used, then only the CMWD connection fee and charges shall apply. The San Diego County Water Authority will refund their connection fee amount to the customer if recycled water is eventually supplied to the service connection and meter within one year of the original application for Water Meter Permit. The customer must prepare and submit the San Diego County Water Authority's "Capacity Charge Refund Request" form to CMWD for verification to request the connection fee refund.

SECTION 11: Maximum Water Meter Size

No water meter larger than a two-inch (2") meter shall be installed on any lot, or to any customer, except upon approval and consent of the Public Works Director.

SECTION 12: Construction Meters

Water or recycled water used for construction shall be metered. Recycled water shall be used when it is available. A construction meter is obtained by applying for a water meter permit. The CMWD may connect a construction meter to any fire hydrant, service connection upon proper application. The cost for a construction meter shall be comprised of a deposit fee and a rental fee. The deposit fee will be refunded after the meter is returned in good working order complete with fittings, and all bills pertaining thereto are paid. The meter will be installed and removed by authorized CMWD or City of Carlsbad employees. Any damage caused to the meter by the negligence or carelessness of any person to whom a meter is loaned must be paid on demand. Water delivered through a construction meter will be charged at the Standard Water Rate, including delivery charges. An additional fee will be charged upon each request to have a construction meter relocated.

The use of "jumpers" in place of a meter shall not be allowed on a temporary basis to test water pressure in the plumbing of a new building, residence, or other purpose.

SECTION 13: Fire Protection Meters

A fire protection meter shall be installed on commercial and industrial buildings and when required by the City's Fire Marshall on residential units. The purpose of the fire protection meter is to monitor if any water has been used from the fire protection line. The fire protection meter is only charged a meter fee. No connection fees apply.

SECTION 14: Meter Installation Charges

Applicants for installation of water meters shall pay installation charges as set from time to time by a resolution of the Board. In the event a customer has an installed meter but wishes to exchange it for another smaller size meter, he shall receive a rebate of the difference between the charges for the larger and smaller meter in effect at the time the original meter was installed; but, if he substitutes a larger meter for a smaller meter, he shall pay the difference between the current charges for the smaller meter and the larger meter.

SECTION 15: Repairs by CMWD

All water and recycled water meters are the property of the CMWD and the CMWD will maintain and repair them when in its judgment such repairs are needed.

SECTION 16: Transportation of Water Across Property Line

Water served through a meter shall not be transported through pipes or conduits across lot lines or property lines.

SECTION 17: Connection – Liability for Damage

When any person connecting a water service pipe to the property side of a meter uses water for testing the pipes, he or she must leave the service box in as good condition as found, and shall leave the water shut off if found shut off, and shall in writing notify the CMWD or City of Carlsbad at the time the connection is made. Any damage caused by the negligence or carelessness of any person to any part of the meter box or connection, must be paid by the person to the CMWD on demand.

SECTION 18: Liability of Customer for Damages to Meter

After the water or recycled water meter is so connected to the service connection, any damage to such meter resulting from an intentional act, carelessness or negligence of the customer, or anyone employed by him, and any damage which may result from hot water or steam from a boiler, or otherwise, shall be paid for by such customer to the CMWD on presentation of a bill therefore; and in case such bill is not paid, the water shall be shut off from the premises without further notice, and the same shall not be turned on until all charges are paid.

1 **SECTION 19: Cutting Off or Interfering with Meter**

2 It is unlawful for any person to interfere with or cut off or remove a water or recycled
3 water meter from any service connection where it has been installed, without first
4 receiving written permission from the CMWD or City of Carlsbad's Maintenance and
5 Operation Department. Such permission shall be granted only for the purpose of tests,
6 replacements, repairs to meter or service pipes, readjustments of service, or similar
7 emergency.
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ARTICLE V

CONNECTIONS AND INSTALLATIONS OF SERVICE

SECTION 1: Shut Off Valve for CMWD

There shall be an angle meter stop valve installed on the immediate upstream side of the meter which angle meter stop valve shall be paid for by the customer but shall be the property of the CMWD, and shall be for exclusive use and under its exclusive control.

SECTION 2: Shut Off Valve for Customer

The water customer is hereby required, for their own protection, to provide, at their own expense, a shut off valve consisting of a ball valve to be connected to the meter immediately downstream of the meter and accessible to the employees of the CMWD or City of Carlsbad.

SECTION 3: Distance of Sewer, Gas, or Other Service Pipe from Water Service

No sewer pipe, gas pipe or any other service pipe shall be installed or maintained nearer than ten feet parallel to any service connection, water pipeline or meter of the CMWD without obtaining prior approval from CMWD. Under no circumstance shall a sewer pipe or gas pipe or any other service pipe be installed closer than two feet clear from the service connection, water pipeline or meter.

SECTION 4: Repairs to Water Pipelines, Meters, and Service Connections

The CMWD shall, at its own expense, make all repairs necessary to water pipelines, meters and service connections. The CMWD shall make no repair or do any work whatsoever on the service connection beyond the meter. Any repair, including parts and labor, made necessary by any acts of negligence or carelessness of the customer, or other persons, shall be charged to and collected from the customer, or the person responsible therefore.

SECTION 5: Shutting Off Water or Recycled Water for Repairs

The CMWD reserves the right to shut off the water or recycled water supply from any premises at any time without notice, for the purpose of making repairs, extensions or other necessary purposes, or for any infraction of this ordinance.

SECTION 6: Steam Boilers, Hydraulic Elevators, Power Pumps, and Similar Apparatus

It is unlawful for any person to draw any water from any water pipeline or service connection of the CMWD, directly into any stationary steam boiler, hydraulic elevator, power pump or similar apparatus. If a customer desires water from the CMWD to be used in any stationary steam boiler, hydraulic elevator, power pump or similar

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apparatus, the customer must first apply therefore in writing to the CMWD, and if granted by the Board, such customer must provide a tank or reservoir of such capacity as is required by standard practice. No such tank or reservoir shall be installed or used unless and until the plans and specifications have been examined and approved in writing by the Public Works Director or his/her designee.

SECTION 7: Right-of-Way Application for Service--Form

Before any water will be supplied by the CMWD to any person which requires a connection from the CMWD water pipeline on any real property, the owner or occupant of the property shall make a written application for such service and service connection, upon submittal of a "Right of Way" permit application provided by the CMWD at the City of Carlsbad's Engineering Department.

SECTION 8: Connection to Water Pipelines Upon Compliance

Upon the applicant for water service having complied with all the requirements relating to written application for service, the CMWD will cause the property described to be connected with the water pipeline, subject to the provisions of this ordinance and the rules and regulations of the Board.

SECTION 9: Multiple Service Connection and Meter and Multi-Ownership Building

No water shall be served to two or more parcels of property separately owned through a common service connection and meter.

When more than one building is placed on the same parcel of property, then each building shall have at least one service connection and meter.

When a multi-ownership residential, commercial and industrial unit building is placed on the same parcel of property and each is conducting a separately established residence or business, a separate service connection and meter shall be required and installed for each ownership unit in the building. The cost of such service connection and meter installation shall be paid by the owner or party receiving water service. For good cause shown, the Public Works Director may allow one service connection and meter to a multi-ownership building to provide service to more than one residential, or commercial/office condominium on a case by case basis provided, however, that the size of the service connection and meter shall be determined based on the combined fixture units of all residential or commercial/office condominiums served by the meter, within the building. In cases where the Public Works Director allows one service connection and meter to a multi-ownership building, there shall be recorded a deed restriction or other such document as approved by the Public Works Director and General Counsel placing future unit owner's on notice that each and every residential or commercial/office unit in the building on the property is served by a single service connection and meter, and in the event that the water bill is not paid by the party or entity responsible for paying the monthly water service charges to the CMWD for the respective building occupied by the multi-ownership, the CMWD may at its discretion shut off the water service to such multi-ownership building in accordance with CMWD adopted rules and regulations. In addition, a multi-ownership building with a single service line and meter is required to install a private sub-meter for each separately established residence or business.

1 **SECTION 10: Discontinuance of Service Upon Written Notice**

2 Service will be discontinued and water service shut off by the CMWD within forty-eight
3 hours of receiving written notice to discontinue water service.

4 **SECTION 11: Turning On of Water or Recycled Water**

5 It is unlawful for any person to turn on the water or recycled water after the same has
6 been turned off by CMWD or City of Carlsbad.

7 **SECTION 12: Use of Water by Construction Workers – Water Meter Permit**

8 Contractors or any person, desiring to use water in construction work where
9 connections must be made other than through a meter, shall in each and every case
10 make written application for, and obtain a written permit for the same from the City of
11 Carlsbad's Engineering Department before connecting to any water pipeline, fire
12 hydrant or using water therefrom, and shall make the deposit required by the CMWD
13 sufficient in its opinion to cover the estimated cost of the water to be used. Such Water
14 Meter Permit shall be exhibited upon the work for which it has been issued during the
15 full-time the water is being used pursuant to such permit.

16 **SECTION 13: Supplying to Other than Occupant of Premises**

17 It is unlawful for any person to supply water to any other person other than the
18 occupants of the premises of such customer without written approval of the Public
19 Works Director.

20 **SECTION 14: Customer to Accept Service Conditions**

21 All applicants for service connections or water service shall be required to accept such
22 conditions of pressure and service as are provided by the distributing system at the
23 location of the proposed service connection, and to hold the CMWD or City of Carlsbad
24 harmless from all damage arising from low pressure or high pressure conditions or
25 interruptions of service.

26 **SECTION 15: Violations**

27 It is unlawful for any person to violate any provision or fail to comply with any of the
28 requirements of this Article. Any person violating any of the provisions or failing to
29 comply with any of the provisions of this Article shall be guilty of a misdemeanor and
30 shall be punished by a fine of not more than one thousand dollars or by imprisonment in
31 the county jail for a period not exceeding six months, or by both.

32 **SECTION 16: Severability**

33 If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this
34 Article or any part thereof, is for any reason held to be invalid, such decision shall not
35 affect the validity of the remaining portions of this Article or any part thereof. The Board
36 declares that it would have passed each section, subsection, subdivision, paragraph,
37 sentence, clause, or phrase, thereof, irrespective of the fact that any one or more
38 sections, subsections, subdivision, paragraphs, sentences, clauses, or phrases be
39 declared invalid.

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ARTICLE VI

EXTENSION OF WATER OR RECYCLED WATER PIPELINE AND OTHER CMWD FACILITIES

SECTION 1: Excess Capacity

Excess capacity for the purpose of this Ordinance, is defined to mean only that excess capacity resulting from the construction of pipelines or facilities larger than those required by the applicant for extension under existing CMWD standards now or hereafter adopted.

SECTION 2: Application – Generally

Any person may apply to the Executive Manager of the CMWD for the installation of water pipelines and fire hydrants and other appurtenant facilities to be constructed either in public streets, alleys or private property; however, nothing herein contained shall be construed to modify any provision of the subdivision section hereinafter set forth, which requires the subdivider to make certain improvements within a subdivision and bear the cost thereof.

SECTION 3: Application – Contents

Prior to the applicant extending a water or recycled water pipeline or constructing a water or recycled water pipeline of excess capacity shall enter into a reimbursement agreement with CMWD, setting forth, among other things, a statement describing that which the applicant wishes to construct or have constructed, a map showing accurately the proposed route and size of such facility, the estimated cost of construction of such facility, payment schedule, auditing procedures, complete specifications as to the type of pipe and other appurtenances which the applicant desires to construct or have constructed, and applicant shall provide any and all additional information requested by the Executive Manager of the CMWD. In no event shall any water or recycled water facility be constructed unless the standard plans and specifications of the CMWD are observed and complied with.

SECTION 4: Size of Water Pipeline Extension

All water pipeline extensions will be installed in sizes best suited to the requirements and full development of the CMWD water system as determined by the Public Works Director. In no event will a water pipeline or recycled water pipeline extension be less than six inches in diameter.

No property shall be connected to a CMWD water or recycled water pipeline which is of inadequate size to meet the requirements and full development of the CMWD water system as determined by the Public Works Director.

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1 **SECTION 5: Determination of Adequacy of Size and Necessity by Executive**
2 **Manager; Contract between Applicant and CMWD; Reimbursement**
3 **of Applicant for Additional Cost**

4 The Public Works Director for the CMWD shall determine if the size of such proposed
5 water pipeline is adequate to serve the intended use of applicant; further, the Public
6 Works Director shall determine if there is other property within the CMWD not being
7 served with water or recycled water which could be served by the proposed water or
8 recycled water pipeline, and if it appears to the Public Works Director that it is
9 necessary that the proposed water or recycled water pipeline and appurtenant facilities
10 should be constructed to a greater capacity than the immediate needs of the applicant
11 so that other property in the CMWD may be supplied with water or recycled water
12 through such pipeline, then the Executive Manager shall recommend to the Board that a
13 reimbursement agreement be entered into between applicant and the CMWD providing
14 for the construction of such water or recycled water pipeline with excess capacity and
15 establishing a reimbursement procedure and schedule for the additional costs incurred
16 by building such water or recycled water pipeline with such excess capacity.

17 **SECTION 6: Determination of Materials to be Used and of Additional Cost of**
18 **Pipelines**

19 The quality of the materials of the water pipeline, hydrants, and other facilities in
20 connection therewith shall be determined by the Public Works Director, who shall give
21 due regard to the potential water service development in the territory that can
22 reasonably be served by the extended water pipeline. The Executive Manager shall
23 determine the amount of money necessary to cover the cost of construction of such
24 water pipeline and shall determine the excess cost as hereinbelow provided, if any, over
25 and above the cost of a standard size water pipeline facility sufficient to serve
26 applicant's immediate need and use.

27 **SECTION 7: Payment of Proportionate Cost of Water or Recycled Water Pipeline**
28 **Prior to Connection**

29 Whenever any person applies for a connection to a water or recycled water pipeline
30 which has been installed in any manner other than by public improvement proceedings
31 for which an assessment has been levied, and neither the person nor his predecessor in
32 interest has paid the proportionate share of the cost of the water or recycled water
33 pipeline, with respect to the property served, no application shall be acted upon,
34 allowed, or approved by the CMWD, or any of its administrative employees until such
35 person has paid to the CMWD his proportionate share of the cost of the water or
36 recycled water pipeline according to the terms, schedules, and conditions hereinafter
37 set forth.

38 **SECTION 8: Method of Determining Excess Cost for Reimbursement Agreement**

39 In determining excess cost for a reimbursement agreement, the actual cost of
40 construction, including necessary easement acquisitions, engineering and directly
41 related incidental costs, shall be included plus any overhead for managing the
42 construction contract. The Executive Manager shall make the final decision, subject to
43 Board approval of the reimbursement agreement, in determining the pro-rata cost share

1 of the excess capacity. In all cases the minimum pipeline size for any property shall be
2 at least 8-inches in diameter, and excess capacity shall be considered the difference in
3 cost between the minimum pipe size or facility cost required for the property and the
4 recommended size to meet CMWD system requirements. Any right to reimbursement
5 hereunder, or pursuant to contract, shall expire in accordance with the time specified in
6 the reimbursement agreement or ten years after the pipeline or facility has been
7 accepted by the CMWD; provided, however, payment shall only be made to the
8 applicant, or designee, at such address as shall have been filed with the CMWD, by the
9 applicant for such purpose. No interest shall accrue to applicant pursuant to this
10 Section, or under any contract entered into pursuant thereto. In no event shall the
11 CMWD be liable or in any way responsible for failure to collect such connecting fees, or
12 for failure to pay any money to applicant.

13 **SECTION 9: Easements to be Provided; Title Insurance Policy; Construction** 14 **Costs to be Deposited**

15 If a reimbursement agreement is entered into between applicant and the CMWD,
16 applicant shall provide easements in the event the water or recycled water pipeline or
17 facilities lie outside public property, and shall provide a Title Insurance Policy showing
18 that grantor has the valid title to grant such an easement. Such easement shall be
19 subject to the approval of the General Council for the CMWD for legal adequacy and
20 shall be subject to the approval of the Public Works Director and Executive Manager in
21 all other respects. If applicant desires that such water or recycled water pipeline be
22 extended or such water or recycled water pipeline and facilities be constructed by the
23 CMWD and the Executive Manager recommends that the CMWD construct such
24 facilities, which recommendation is approved by the Board, then, in that event, applicant
25 shall deposit with the CMWD such sum of money as the Executive Manager shall
26 determine to be necessary in order to construct the improvements specified in the
27 reimbursement agreement.

28 **SECTION 10: Source of Reimbursement**

The CMWD shall reimburse the applicant only from either the water connection fee fund
or the water replacement fund, subject to availability of funds, and the CMWD's
responsibility shall be no greater than as set forth in this Ordinance.

SECTION 11: Improvements Constructed Under the Improvement Act of 1911 – CMWD's Participation

If any of the improvements, which would otherwise qualify as above set forth, are
constructed through a 1911 Act of Improvement District as defined in the Improvement
Act of 1911, Division 7 of the Streets and Highways Code, the CMWD will agree to pay
to the owner or owners of the property assessed within the CMWD, said payments
running with the land at all times mentioned herein, the sums it would otherwise pay to
an individual applicant under the terms of this Ordinance.

SECTION 12: Time Limit for Recovery

Any funds mailed to applicant or designee which are returned, or where the check,
voucher or other payment remains uncashed for one year after such mailing, shall
revert to the CMWD's water connection fee fund or water replacement fee fund as
appropriate, and shall not be recoverable by applicant.

1 **SECTION 13: Agreement between CMWD and Contributor for Repayment of Off-**
2 **Site Improvement**

3 The Executive Manager is empowered to prepare a reimbursement agreement to be
4 entered into by the person who constructs off-site water or recycled water pipeline
5 extensions and the CMWD. Such agreement shall provide that the CMWD will refund to
6 the persons who paid for the cost of the water or recycled water pipeline extension all
7 pipeline fees. The agreement shall be limited to a fifteen-year period from and after the
8 date of signing. The CMWD shall not be liable to the subdivider for such moneys in the
9 event that the collection of the charge is prevented by judgment or order of court, or in
10 the event that such moneys are not collected due to inadvertence or neglect of the
11 officers or employees of the CMWD or City of Carlsbad.

12 **SECTION 14: Water or Recycled Pipeline Extensions within Subdivisions**

13 Subdividers shall be required to install water or recycled water pipeline extensions to all
14 property within the subdivision. When such water or recycled water pipeline extensions
15 are constructed by the subdivider, then no refund agreement shall be available to the
16 subdivider for any portion of the water or recycled water pipeline constructed within the
17 limits of the subdivision or in streets that are immediately adjacent to the external limits
18 of such subdivision with the following exception:

19 When a subdivider is required to install a water or recycled water pipeline extension in
20 excess of his requirements for continuity and full development of the CMWD water
21 system, as determined by the Public Works Director, then the CMWD will contribute for
22 the additional costs required to construct the water or recycled water pipeline in excess
23 of eight inches in diameter.

24 Subdividers shall be required to extend to the external limits of the subdivision all water
25 and recycled water pipelines placed in and about the subdivision by the subdivider. The
26 subdividers may enter into a reimbursement agreement with the CMWD as outlined
27 heretofore for such other off-site portions of the water or recycled water pipeline
28 extensions they must install for the subdivision.

29 **SECTION 15: Water or Recycled Water Pipeline Extensions for Length of**
30 **Property Frontage**

31 A subdivider, contractor, or individual developer shall be required to install a water or
32 recycled water pipeline extension to the external limits of his property line along the
33 entire front of his property abutting upon the water or recycled water pipeline extension;
34 except, when such person is the owner of a large undeveloped frontage, then in that
35 event, the owner shall be required to install the water or recycled water pipeline
36 extension for a minimum frontage of seventy-five feet; provided, that all of the following
37 conditions prevail:

38 (1) That the portion of the property being connected to the water or recycled water
39 pipeline shall totally contain the residence of the owner, together with sufficient side
40 yard setbacks as required by applicable zoning law;

41 (2) That sufficient area remains in the unconnected portion of the property in which
42 to construct one or more living units in accordance with the applicable zoning laws.

ARTICLE VII

ESTABLISHING FEES FOR ENGINEERING SERVICES

SECTION 1: The Engineering Service Fees shall be established by resolution of the Board of Directors of the CMWD and are for the purpose of defraying the cost of processing review, approval, and inspection of potable water and recycled water facilities, including pipeline and service line installation, replacement and relocation, easements and quitclaims in connection with the development review process of the City of Carlsbad:

1. Policy. The City of Carlsbad's Engineering Department shall provide plan checking services for potable and recycled water facilities to be constructed and added to the systems of the CMWD at a charge of estimated cost of providing such services.

2. Fees. The fees to review improvement plans related to CMWD facilities shall be charged based upon the estimated construction costs of the potable water and recycled water improvements, and all appurtenances only plus fifteen percent (15%) contingency based on current City of San Diego Bond Unit Prices, as determined by the Public Works Director or his/her designee upon review of the plans submitted in connection with any type of development within the CMWD. The fees shall be fixed and established by resolution of the Board of Directors of the CMWD.

3. Private Onsite Irrigation System. The private onsite irrigation system for a proposed development shall be plan checked by the City's Planning Department and Engineering Department. A plan check fee shall be paid to cover the City's cost to review and approve the plans of the private onsite irrigation system. The County of San Diego Environmental Health Department also will review all private onsite irrigation plans where recycled water is proposed to be used for irrigation. A separate Plan Check fee shall be submitted to the County of San Diego, together with the landscape construction drawings and City's application form.

SECTION 2: Adjustment of Fees by Resolution

The City of Carlsbad's Finance Department, on behalf of CMWD, shall periodically review the fees charged for engineering services to ensure that the fixed fees do not exceed the estimated costs of providing the services, and are fair and appropriate. Adjustments to the fixed fees may be made at any time by resolution, but shall be adjusted annually by a ratio using the Engineering News Record construction cost index for Los Angeles.

SECTION 3: When Paid

All fees to review improvement plans, easements or quitclaims are paid upon initial submittal to the City of Carlsbad. For improvement plans, the Applicant is responsible to pay an initial plan check fee that is based on the cost estimate submitted (Valuation) with the initial submittal. By the end of the plan check process of improvement plans, this Valuation may increase or decrease from the initial Valuation, thereby changing the plan check fee that would be due. Near the end of the plan check process and prior to

1 the plan approval, the Applicant is responsible to pay the balance of plan check fees or
2 receive a refund for excess fee paid, depending on the Valuation change.

3 Prior to issuance of a right-of-way permit to construct the improvements, the Applicant
4 shall pay inspection fees that cover the inspection of CMWD improvements.

5 **ARTICLE VIII**

6 **FIRE HYDRANTS**

7 **SECTION 1: Use of Fire Hydrants – Generally**

8 Fire hydrants are provided for the sole purpose of providing connections for the
9 extinguishing of fires, and shall be opened and used only by the CMWD and City of
10 Carlsbad Fire Department or such persons as shall be authorized to do so by the
Executive Manager of the CMWD.

11 **SECTION 2: Regulation of Water Supply from a Fire Hydrant**

12 Persons wishing to take a supply of water from a fire hydrant must make application to
13 the City's Engineering Department for such service by applying for a water meter permit
14 to obtain a construction meter. The CMWD will make the necessary connections and
install a meter of required size upon payment of a deposit fee and a rental fee in effect
at the time of issuance of water meter permit.

15 **SECTION 3: Replacing Cap After Use**

16 Every person authorized to open a fire hydrant shall replace the cap on the outlet when
17 the same is not in use, and leave the hydrant in as good condition as when found, and
18 such officer or person shall report to the CMWD or the Fire Chief of the City of Carlsbad
any leaks or breaks or damage to the fire hydrant immediately upon discovery.

19 **SECTION 4: Use of Fire Pipeline for Other than Fire Purposes**

20 No fire pipeline shall be used for any purpose other than for the extinguishment of fire,
21 unless the same is equipped with a construction meter, in which event there shall be a
22 charge for the water used, together with the cost of the construction meter.

23 **SECTION 5: Private Fire Lines, Etc.; Service Connections**

24 Where a privately owned fire line is used for fire purposes only, and is connected to an
25 automatic fire extinguishing system or other standard fire hydrant, the owner shall pay
26 for all service connections from the CMWD water pipeline to the above ground double
27 check valve assembly or approved check valve and backflow preventer assembly.
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1 **ARTICLE IX**

2 **CROSS-CONNECTION CONTROL PROGRAM**

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4 **SECTION 1: Purpose of Provisions**

5 The purpose of this Article is to:

- 6 (1) Protect the public water supply against actual or potential contamination through
7 cross-connections by containing within the customer's system, sources of
8 contamination that may occur within a customer's premises because of some
9 undiscovered or unauthorized cross-connection on the premises;
- 10 (2) To provide for the maintenance of a continuing program of cross-connection
11 control which will systematically and effectively prevent the contamination or
12 pollution of the District's potable and recycled systems.

13 **SECTION 2: Adopted by Reference**

14 Article I of Group 4 of subchapter 1 of Chapter 5 of Title 17 of the California
15 Administrative Code entitled "Drinking Water Supplies" (17 CAC Section 7583 et seq.)
16 relating to the implementation of the cross-connection program and provisions for
17 backflow protection, testing and maintenance of records of locations, tests and repairs
18 of backflow prevention devices and its successor regulations within the code are
19 adopted by reference and supplemented and implemented by this chapter.

20 Backflow testing requirements and passing test criteria shall be determined in
21 accordance with the most recent requirements and/or recommendations of the
22 California Department of Public Health's approved laboratory.

23 The California Regional Water Quality Control Board, San Diego Region, issues Orders
24 that regulate recycled water use site conditions and inspection requirements within
25 CMWD. All requirements of the current Order shall be deemed part of this Article.

26 **SECTION 3: Backflow Prevention Assembly Removal**

27 Approval must be obtained from the CMWD before a backflow prevention assembly is
28 removed or relocated.

- 29 (1) The use of an assembly may be discontinued and the assembly removed from
30 service upon presentation of sufficient evidence to the CMWD to verify that a
31 hazard no longer exists or is not likely to be created in the future. The CMWD
32 shall make the determination of whether a hazard exists.
- 33 (2) An assembly may be relocated following confirmation by the CMWD that the
34 relocation will continue to provide the required protection and satisfy installation
35 requirements. A retest, performed at the customer's cost, will be required
36 following the relocation of the assembly.
- 37 (3) An assembly may be removed for repair, provided the water use is either
38 discontinued until the repair is completed and the assembly is returned to
39 service, or the service connection is equipped with other backflow protection
- 40

approved by the CMWD. A retest, at the customer's cost, will be required following the repair of the assembly.

- (4) An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed and retested at the customer's cost. All replacement assemblies must be approved by the CMWD.

SECTION 4: Site Supervisor

- (1) At each premise where recycled water is used or where it is necessary in the opinion of the CMWD, a site supervisor shall be designated by and at the expense of the customer. This site supervisor shall be responsible for complying with applicable rules and regulations relating to recycled water use, monitoring of backflow prevention assemblies and for avoidance of cross-connections.
- (2) The site supervisor shall attend CMWD approved training in the use of recycled water. The site supervisor shall be responsible for monthly tailgate trainings as well as training of new employees prior to their assignment to a recycled water use site. Documentation of these trainings will be required to be available during the annual walk through inspection.
- (3) In the event of the potential for contamination or pollution of the either the public or the customer's potable water system due to a cross-connection on the premises, the CMWD shall be immediately notified by the site supervisor so that appropriate measures may be taken to overcome the contamination.
- (4) The customer shall inform the CMWD of the site supervisor's identity (name, address and telephone number) on an annual basis and whenever a change occurs.
- (5) Failure to comply with site supervisor requirements may result in discontinuance of water service.

SECTION 5: Water System Survey

- (1) Backflow prevention assemblies will be required per the current edition of the City of Carlsbad Engineering Standards. These backflow assemblies shall be tested by a tester who meets the requirements for a backflow assembly tester per this ordinance upon installation at the customer's cost. The test must meet passing criteria as stated in Section II of this ordinance.
- (2) The CMWD may require an on-premise inspection to evaluate cross-connection hazards. The Public Works Director will transmit a written notice requesting an inspection appointment to each affected customer. Any customer who cannot or will not allow an on-premise inspection of his piping system shall be required to install the backflow prevention assembly the CMWD considers necessary.
- (3) The Public Works Director may, at his/her discretion, require a re-inspection for cross-connection hazards of any premise to which it serves water. The CMWD will transmit a written notice requesting an inspection appointment to each affected customer. Any customer who cannot or will not allow an on-premise inspection of their piping system shall be required to install the backflow prevention assembly the Public Works Director considers necessary. In addition, the CMWD may use any lawful procedure to enter and inspect any premises.

SECTION 6: Customer Notification--Assembly Installation

- (1) The Public Works Director will notify the customer of the survey findings, listing the corrective actions to be taken if any are required. A period of thirty days will be given to complete all corrective actions required including the installation of backflow assemblies and passing test results submitted to the CMWD. Backflow assembly installation standards will be in accordance with the current edition of the City of Carlsbad Engineering Standards.
- (2) A second notice will be sent to each customer who does not take the required corrective actions prescribed in the first notice within the thirty calendar days allowed. The second notice will give the customer a two-week period to take the required corrective action.
- (3) A third and final notice shall be sent to each customer who does not take the required corrective action as prescribed in the first two notices. The final notice will give the customer ten days to take the required action. If the customer fails to complete the corrective action within the ten day period, the CMWD shall terminate water service to the affected customer until the required corrective actions are taken and the customer has paid all applicable fees associated with water service termination.

SECTION 7: Retrofitting Fire Protection Systems with Backflow Prevention Assemblies

Upon any modification to existing fire protection systems that are not currently protected by either a reduced pressure principle detector assembly (RPDA) or a double check detector assembly (DCDA) the CMWD will require the fire service supply line be retrofitted with either a DCDA or an RPDA when any of the following occurs:

- (1) Any change in the fire protection water supply that would require an upgraded increase in the fire service supply line;
- (2) Any renovation work to a structure or structures, involving changes and/or additions to the fire sprinkler system, which require an increase in the minimum approved fire flow requirements from the underground fire service supply line;
- (3) When a leak is detected in the underground backflow swing-check valve, requiring replacement;
- (4) Any failure in the Post Indicator Valve system, which would require more work than the standard maintenance procedures,
- (5) Anytime a fire service supply line for an existing fire protection system fails, including maintenance, testing, and seismic failures, and the fire protection system shall be retrofitted with approved backflow prevention assemblies.

In all cases of a retrofit, the fire protection system shall be hydraulically calculated to meet the minimum fire flow demand of the fire sprinkler system. This determination shall be based on compliance with the National Fire Protections Association's standard for minimum design and water flow requirements for sprinkler systems.

1 The CMWD shall determine the degree of hazard to determine whether the fire service
2 is retrofitted with a DCDA or an RPDA.

3 Detector assemblies will be installed per the current edition of the City of Carlsbad
4 Engineering Standards.

5 **SECTION 8: Customer Notification-Testing and Maintenance**

- 6 (1) The Public Works Director will notify each affected customer in writing thirty days
7 prior to the due date that the backflow prevention assembly installed on their
8 service connection must be tested, repaired if necessary and then retested. This
9 written notice provides the customer with the necessary form to be completed
10 and resubmitted to the CMWD. The customer shall have a certified tester
11 perform the test and document the results of the testing on the prescribed form.
12 The customer is responsible to ensure that the completed form is returned to the
13 CMWD in the prescribed time frame. Tests that do not meet passing criteria will
14 not be accepted.
- 15 (2) A second notice shall be sent to each customer who does not have the backflow
16 prevention assembly tested as prescribed in the first notice within the thirty
17 calendar day period allowed. The second notice will give the customer a two-
18 week period to have the backflow prevention assembly tested with passing test
19 criteria.
- 20 (3) A third and final notice shall be sent to each customer who does not have the
21 backflow prevention assembly tested as prescribed in the first two notices. The
22 final notice will give the customer ten days to have the backflow prevention
23 assembly tested with passing criteria. If no action is taken within the ten day
24 period, the CMWD shall terminate water service to the affected customer. Water
25 service shall not be reactivated until the customer has paid all applicable fees
26 associated with water service termination and until the CMWD has been notified
27 by an approved tester that they have been contracted to perform the backflow
28 assembly test. The CMWD will make an appointment with the tester to restore
water service so that the test may be performed. Any needed repairs and a
passing re-test must be performed within 5 business days or water service will be
discontinued, with all applicable fees being reapplied.

20 **SECTION 9: Water Service Termination**

- 21 (1) When the CMWD encounters water uses that represent a clear and immediate
22 hazard to the potable water supply that cannot be immediately abated, the
23 District shall institute the procedure for discontinuing the CMWD water service.
- 24 (2) Conditions or water uses that create a basis for water service termination shall
25 include, but are not limited to the following items:
- 26 (a) Refusal to install a required backflow prevention assembly;
 - 27 (b) Refusal to test a backflow prevention assembly;
 - 28 (c) Refusal to repair a faulty backflow prevention assembly;
 - (d) Refusal to replace a faulty backflow prevention assembly;
 - (e) Direct or indirect connection between the public water system and a sewer
line;
 - (f) Unprotected direct or indirect connection between the public water system
and a system or equipment containing contaminants;

(g) Unprotected direct or indirect connection between the public water system and an auxiliary water system;

(h) A situation which presents an immediate health hazard to the public water system.

(3) For conditions (a), (b), (c) or (d), the CMWD will terminate service to a customer's premise after three written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period water service shall be terminated. The water service will remain inactive until correction of violations has been approved by the CMWD and payment received for all applicable fees associated with water service termination.

(4) For conditions (e), (f), (g) or (h), the CMWD will take the following steps:

(1) Make reasonable effort to advise customer of intent to terminate water service;

(2) Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the CMWD and payment received for all applicable fees associated with water service termination.

SECTION 10: Requirements for Backflow Prevention Assembly Testers

(1) Competency in all phases of backflow prevention assembly testing and repair must be demonstrated by means of education and/or experience in order to obtain certification.

(2) The following are minimum requirements:

a. Applicants shall hold and submit a copy to the CMWD of a valid backflow prevention assembly tester certificate from the American Water Works Association (AWWA) California-Nevada Section, American Backflow Prevention Association (ABPA), or have equivalent certification in the opinion of the CMWD and the California Department of Public Health.

b. All backflow testers shall submit to the CMWD current gauge calibration certificates for test kits to be used within the CMWD service area. Gauges must undergo an annual calibration check. The tester shall be responsible for the competency and accuracy of all tests and reports prepared by him/her.

(3) A tester may have his/her testing privileges revoked or suspended by the CMWD for improper testing, repairs and/or reporting.

SECTION 11: Recycled Water Use

(1) Recycled water use sites inspections will be performed per the requirements of the State of California, - Department of Public Health, County of San Diego Department of Environmental Health, California Regional Water Quality Control Board, San Diego Region, or other regulatory agency or as determined by the CMWD.

(2) The recycled water user shall provide the CMWD with an accurate set of controller charts. The chart is to be a reduced drawing of the as-built system. The chart shall use a different color to show the area of coverage for each station.

1 **SECTION 12: Fees**

2 Fees to implement, maintain, administer and enforce this chapter shall be established
3 by resolution of the CMWD Board.

4 **SECTION 13: Violations**

5 It is unlawful for any person to violate any provision or fail to comply with any of the
6 requirements of this Article. Any person violating any of the provisions or failing to
7 comply with any of the provisions of this Article shall be guilty of a misdemeanor and
 shall be punished by a fine of not more than one thousand dollars or by imprisonment in
 the county jail for a period not exceeding six months, or by both.

8 **SECTION 14: Severability**

9 If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this
10 Article or any part thereof, is for any reason held to be invalid, such decision shall not
11 affect the validity of the remaining portions of this chapter or any part thereof. The Board
12 declares that it would have passed each section, subsection, subdivision, paragraph,
 sentence, clause, or phrase, thereof, irrespective of the fact that any one or more
 sections, subsections, subdivision, paragraphs, sentences, clauses, or phrases be
 declared invalid.

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ARTICLE X

ESTABLISHING PROCEDURES FOR WORK IN THE CMWD RIGHT-OF-WAY

SECTION 1: Title

This article may be cited as the "Right-of-Way Permit" and "Encroachment Agreement."

SECTION 2: Definitions

The following words shall have the following meanings and set out in this article

(a) "Encroachment" means and includes any tower, pole, pole line, pipeline, fence, billboard, stand or building, or any structure or pavement of any kind or character whether or not it is particularly mentioned in this subsection, which is placed in under or over any portion of a CMWD right-of-way.

(b) "Right-of-Way" means any CMWD real property easement, CMWD interest in real property or public utility easement used by the CMWD.

(c) "Plans" means the document developed and approved by the Public Works Director describing the nature and extent of works proposed to be constructed or carried out on a CMWD right-of-way.

(d) "Specification" means the Standard Specifications used for public works construction (current edition including supplements) written and promulgated by the Southern California Chapter of American Public Works Association and Southern California District Associated General Contractors or California Joint Cooperative Committee and published by Building News Incorporated or other such specifications noted on approved plans including CMWD standard drawings and specifications.

(e) "Standard Drawings" means the standard drawings of the Carlsbad Municipal Water District, adopted and revised by the Public Works Director and most recently adopted San Diego Regional Standard Drawings.

SECTION 3: Public Works Director's Authority and Responsibilities

This article shall be administered by the City of Carlsbad's Public Works Director who shall have the responsibility and authority to:

(a) Establish the form and procedures for application for encroachment permits required pursuant to this article including the certification of completed applications, the approval of plans, the establishment of files, collection of fees and security deposits;

(b) Interpret provisions of this article and advise the public regarding requirements for plans, specifications, and special provisions for facilities or encroachments subject to the provisions of this article;

(c) Establish the format and content of plans and standards governing work on facilities or encroachments pursuant to the provision of this article;

(d) Issue permits upon such conditions as determined are reasonable and necessary to protect the public health, safety and welfare;

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(e) Amend any permit issued when determined that such amendment is necessary to provide for the safe and efficient movement of traffic, or protect CMWD facilities, persons or property.

SECTION 4: Permits--Required

No person shall do any of the following acts without first obtaining a valid right-of-way permit and encroachment agreement;

(a) Make or cause to be made excavation or opening, fill or obstruction in, over, along, across, or through any CMWD right-of-way for any purpose whatsoever;

(b) Construct or repair or cause to be constructed or repaired any curb, sidewalk, gutter, curb with integral gutter, drive approach, driveway, alley approach, spandrel and cross gutter, wheelchair ramp, structure, planter, wire, pipe, or vault over, along, across, overhanging or through any CMWD right-of-way;

(c) Plant, any tree, plant shrub or flower within any CMWD right-of-way.

(d) Construct or modify or cause to be constructed or modified, any storm drain or conveyor of drainage of waters and appurtenance items within a CMWD right-of-way, except for drainage by controlled surface flow.

(e) Modify, alter or deface any block wall on or adjacent to a CMWD right-of-way.

(f) Enter into or exit from any CMWD right-of-way at any location not approved and constructed as a driveway.

SECTION 5: Application for Right-of-Way Permit or Encroachment Permit

(a) Any person proposing to do any of the acts described in Section 4 of this article shall make an application for a 1) right-of-way permit and if required 2) Encroachment Agreement to the Public Works Director.

(b) The following information shall be included in the application;

(1) The location, nature, and extent of work to be performed;

(2) The proposed date when such work shall be commenced;

(3) The proposed date when the work shall be completed;

(4) Such other information as may be required by the Public Works Director;

(c) The Public Works Director may require the application to contain an encroachment agreement if deemed necessary due to the size duration, and/or nature of the encroachment. The encroachment agreement shall:

(1) Require the encroachment to be placed and maintained in a safe and sanitary condition;

(2) Require removal of the encroachment by the permittee upon reasonable demand by the Public Works Director;

(3) Allow the CMWD to remove the encroachment and place a lien on the property if the permittee does not remove the encroachment in a reasonable time period;

(5) Allow for the removal of the encroachment by the CMWD during the performance of any emergency repairs without liability to the CMWD for damages;

(6) Require adequate security of performance of such promise;

(7) Require indemnification of the CMWD in accordance with Section 16 of this ordinance;

(8) Be in a form acceptable to the General Counsel.

SECTION 6: Permits--Requirements of Plans

If, in the opinion of the Public Works Director, the work proposed to be done requires the making of plans or setting of stakes, or both, the Public Works Director may require the application to be accompanied by the necessary plans, which plans shall be prepared by a competent engineer licensed by the California Department of Consumer Affairs. The plans shall be reviewed by the Public Works Director or designee and shall pay the necessary fees in accordance with Article VIII. The Applicant shall bear all costs to prepare and process said plans.

SECTION 7: Permits—Commencement and Completion of Work

Every permittee shall commence work as stipulated in the permit application and diligently pursue the work to completion without interruption within the time period specified in the permit. A Permit issued under this ordinance may be limited to a period of time as specified in the permit.

SECTION 8: Permits—Requirements for Performance of Work

(a) The permittee shall perform the work in a timely manner, in accordance with applicable plans, specification and CMWD standards and to the satisfaction of the Public Works Director.

(b) No person shall cause any improvement or appurtenant work to be performed on any CMWD right-of-way by any person other than a licensed contractor or a public utility.

(c) All work shall be inspected by the representative as follows:

(1) No person shall prevent or obstruct the CMWD representative in making any inspection authorized by this ordinance or in taking any sample or in making any test;

(2) Inspection requests must be made with twenty-four hour notice to the CMWD.

(3) All work not in conformance with approved plans and specifications is subject to rejection by the CMWD.

(4) Request for final inspection shall be made in writing.

(d) As the work progresses, the CMWD right-of-way shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All construction and maintenance work shall be done in a manner designed to leave the area clean of earth and debris and in a condition as nearly as possible to that which existing before such work began. All cleanup operations at the location of such work shall be accomplished at the expense of the permittee. Upon failure of the permittee to clean the area, the CMWD may proceed with cleanup and removal of the material or obstruction in accordance with procedures identified in Section 14 of this article.

SECTION 9: Permits—Acceptance of Work

If the Public Works Director, by survey or by inspection or by both, determines that the work has been completed according to the requirements of this ordinance and the permit, he shall issue a certificate of acceptance, which shall contain a statement of the location, nature, and extent of the work performed under the permit.

SECTION 10: Permits—Denial and Revocation

(a) The CMWD may deny the issuance of a right-of-way permit to any person who refuses or fails to comply with the provision of this ordinance, who is indebted to the CMWD for past permit violations, or who in the judgment of the Public Works Director has repeatedly violated permit procedures or failed to comply with conditions requiring protection of the public health and safety.

(b) The Public Works Director may deny the issuance of a right-of-way permit to any person who refuses to execute an encroachment agreement as required by Section 5.

(c) Any permittee found in violation of the conditions of permit or the provisions of this ordinance shall be given a written notice to comply, stipulating the violation. Upon receipt of the notice to comply, the permittee shall take action to correct the condition of violation within the period stipulated in the notice. If, within the period, appropriate measures have not been implemented, the CMWD may revoke the permit and take any measures required to secure the work site or return the work site to its original condition. The cost of such work may be collected from the permittee.

(d) A revoked permit may be reinstated if the permittee demonstrates to the satisfaction of the Public Works Director that work will be continued in conformance with the permit and the provisions of this ordinance.

(e) The Public Works Director shall require, as a condition of the permit, reinstatement of payment of all charges incurred by the CMWD as a result of permit revocation including a five hundred dollar (\$500) penalty for violation of the provisions of this article.

SECTION 11: Appeal Procedure

(a) Any person aggrieved by any decision of the Public Works Director with respect to the issuance, revocation, or refusal to issue a right-of-way permit may appeal to the Board of Directors by filing a notice of appeal with the Secretary of the Board within ten calendar days after the date of the decision of the Public Works Director. Appeals shall be in writing and shall state the basis for the appeal. Fees for filing an appeal shall be in amount established by resolution of the Board of Directors. The decision of the Board of Directors shall be final.

(b) The Secretary shall thereupon fix a time and place for hearing such appeal. The secretary shall give notice to the appellant and applicant/permittee of the time and place of hearing by serving the notice personally or by depositing it in the United States Post Office postage prepaid, addressed to such persons at their last known address unless otherwise requested in the notice of appeal.

(c) The Board of Directors shall have the authority to determine all questions raised on such appeal.

SECTION 12: Encroachment and Right-of-Way Application and Permit Fees

Encroachment application and right-of-way permit fees shall be charged by the CMWD for the processing of an encroachment application and the issuance of a right-of-way permit. The fees shall be established by resolution of the Board of Directors for the CMWD, for the purpose of defraying the cost of processing an application, issuing the

1 requested permit, inspection of works completed under the permit and other costs of
2 administrating this ordinance. The fees shall be paid at the time of application.

3 **SECTION 13: Performance Deposits**

4 (a) As a condition of issuance of a right-of-way permit, the Public Works
5 Director may require posting of a cash deposit or an equivalent security in a form
6 acceptable to the General Counsel. The Applicant shall post a security for 100% of the
7 bond amount for performance, and 50% of the bond amount for labor and materials
8 totaling 150% of bond amount. The cash deposit may be used at the discretion of the
9 Public Works Director to provide for restoration of CMWD facilities or removal from the
10 right-of-way of work, materials or equipment when permittee or the permittee's agent
11 fails to act in a timely manner to provide for the public health, safety or welfare. The
12 deposit shall otherwise be for the purpose of guaranteeing performance of work
13 contemplated under the permit.

14 (b) The amount of the deposit shall be established by the Public Works
15 Director.

16 (c) Upon completion and acceptance of work under permit, any funds unused
17 shall be refunded to the Applicant and any other bonds or security instruments shall be
18 released.

19 (d) If, in the opinion of the Public Works Director, any deposit or security is not
20 sufficient for the protection of the public interest in the public places, the Public Works
21 Director may require an additional deposit or an increase in the security in such amount
22 as he determines necessary. The permittee shall, upon demand, deposit the additional
23 cash or security.

24 (e) Upon failure or refusal to pay, the Public Works Director may revoke the
25 permit and/or recover the deficiency by appropriate action in any court of competent
26 jurisdiction, until such deficiency is paid in full, no other permit shall be issued to such
27 permittee.

28 **SECTION 14: Placement of Materials or Obstruction of CMWD Right-of-Way**

(a) No person shall place or maintain any material or any obstruction or
impediment to travel in or upon any CMWD Right-of-Way without a permit to do so.

(b) Persons violating provisions of this Section 8(d), or Section 15(a) shall be
issued a notice of removal and given a specified time to remove such material,
obstruction or impediment. Any failure to comply with the notice is unlawful and a public
nuisance endangering the health, safety and general welfare of the public. In addition to
any other remedy provided by law for the abatement of such public nuisance, the Public
Works Director may, after giving notice, cause the work necessary to accomplish the
removal. The costs thereof may be assessed against the owner or owners of the project
creating the obstruction.

(c) Notice of removal shall be in writing and mailed to all persons whose names
appear on the last equalized assessment roll as owners of real property creating the
obstruction at the address shown on the assessment roll. Notice shall also be sent to
any person known to the Public Works Director to be responsible for the nuisance. The
Public Works Director shall also cause at least one copy of such notice to be posted in a
conspicuous place on the premises. No assessment shall be held invalid for failure to
post or mail or correctly address any notice. The notice shall particularly specify the
work required to be done and shall state that if the work is not commenced within
twenty-four hours after receipt of such notice and diligently prosecuted (without
interruption) to completion, the CMWD shall cause such work to be done, in which case
the cost and expense of such work, including incidental expenses incurred by the

CMWD, will be assessed against the property or against each separate lot and become a lien upon such property.

(d) If upon the expiration of the twenty-four hour period provided for in subsection (c) of this section, the work has not commenced or is not being performed with diligence, the Public Works Director shall proceed to do such work or cause such work to be done. However, the CMWD may proceed to remove the encroachment immediately and without notice to the owner if removal of the encroachment is necessary to make emergency repairs to CMWD facilities.

(e) Upon completion of such work, the Public Works Director shall file written report with the Board of Directors setting forth the fact that the work has been completed and the cost thereof, together with a legal description of the property against which cost is to be assessed. The Board of Directors shall thereupon fix a time and place for hearing protest against the assessment of the cost of such work. The Public Works Director or the Secretary of the Board, if so directed by the Board, shall thereafter give notice in writing to the owners of the project in the manner provided in subsection (c) of the hour and place that the Board of Directors will pass upon the Public Works Director's report and will hear protests against the assessments. Such notice shall also set forth the amount of the proposed assessment.

(f) Upon the date and hour set for the hearing of protests, the Board of Directors shall hear and consider the Public Works Director's report and all protests, if there are any, and then proceed to confirm, modify or reject the assessments.

(g) A list of assessments as finally confirmed by the Board of Directors shall be sent to the City of Carlsbad Finance Department for collection. If any assessment is not paid within ten days after its confirmation by the Board of Directors, the secretary shall cause to be filed in the office of the county recorder a notice of lien, substantially in the following form:

NOTICE OF LIEN

Pursuant to Carlsbad Municipal Water District (Ordinance No. ____), the Carlsbad Municipal Water District did on the _____ day of _____, 20____, cause maintenance and report work to be done in the CMWD right-of-way for the purpose of abating a public nuisance caused by activities related to construction at the property described below. The Board of Directors of the Carlsbad Municipal Water District did on the _____ day of _____, 20____, by its Resolution No. _____ assess the cost or portion of the cost thereof upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the Carlsbad Municipal Water District does hereby claim a lien upon said real property until the same sum with interest thereon at the maximum rate allowed by law from the date of the recordation of this instrument has been paid in full and discharged of record. The real property hereinbefore mentioned and upon which a lien is hereby claimed is that certain parcel of land in the City of Carlsbad, County of San Diego, State of California, particularly described as follows:

(Description of property)

Dated this _____ day of _____, 20____.

Secretary of the Board, Carlsbad Municipal Water District

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1 (h). From and after the date of recordation of such notice of lien, the amount of
2 the unpaid assessment shall be a lien on the property against which the assessment is
3 made, and such assessment shall bear interest at the maximum rate allowed by law
4 until paid in full. The lien shall continue until the amount of the assessment and all
5 interest thereon has been paid. The lien shall be subordinate to tax liens and all fixed
6 special assessment items previously imposed upon the same property, but shall have
7 priority over all contractual liens and all fixed special assessment liens, which may
8 thereafter be created against the property. From and after the date of recordation of
9 such notice of lien, all persons shall be deemed to have notice of the contents thereof

10 **SECTION 15: Relocation of Structures—Removal of Encroachment**

11 (a) The Public Works Director may require any permittee, who pursuant to a
12 duly issued right-of-way permit under this ordinance, has performed construction work
13 or placed and maintained any encroachment, to remove or move the encroachment at
14 the permittee's own cost and expense to such different location as is specified in a
15 written demand of the Public Works Director, whenever such move is necessary to
16 ensure the safety and convenience of the public or facilitate construction. The Public
17 Works Director shall specify in the demand a reasonable time within which the work of
18 relocation must be commenced, and the permittee must commence such relocation
19 within the time specified in the demand and thereafter diligently prosecute the same to
20 completion. If permittee fails to diligently remove the encroachment, the Public Works
21 Director may proceed under Section 14 of this Article.

22 (b) The CMWD shall have the right to relocate or remove any encroachment
23 in response to an emergency condition requiring immediate repair, without the
24 notification of the permittee or the owner of any encroachment into a CMWD right-of-
25 way.

26 **SECTION 16: Holding CMWD Harmless--Insurance**

27 The applicant for a permit, as a condition to receiving a permit shall sign a statement
28 that he agrees to indemnify and hold harmless the CMWD and each officer and
employee thereof, from any liability or responsibility for death or injury to persons and
loss or damage to property happening or occurring as a result of the design or
performance of any work undertaken under any permit granted pursuant to the
application. The applicant may be required to provide proof of liability insurance in an
amount set by a resolution of the Board and may be requested to name the CMWD as
an additional insured under the insurance policy. The insurance shall be provided by a
company satisfactory to the Risk Manager. Any deductible or self-insured retention
under the insurance policy shall be in amount acceptable to the Risk Manager.

29 **SECTION 17: CMWD Not Liable for Damage to Encroachment or Encroachment** 30 **Area**

31 The CMWD shall not be liable for any damages whatsoever to the encroachment
32 facilities or encroachment area when the damages are related in any way to the
33 District's continued use of the right-of-way, or are as a result of the CMWD's
34 construction, use, repair, replacement or relocation of any CMWD facilities within the
35 right-of-way.

1 **SECTION 18: Exemptions**

2 The CMWD and its employees, acting in their official capacity, are exempt from the
3 requirements set forth in the ordinance.

4 EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption;
5 and the district secretary shall certify to the adoption of this ordinance and cause it to be
6 published at least once in a newspaper of general circulation in the City of Carlsbad within
7 fifteen days after its adoption.

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1 INTRODUCED AND FIRST READ at a Joint Special Meeting of the Carlsbad
2 Municipal Water District Board of Directors and Carlsbad City Council on the 19th day of
3 May, 2009, and thereafter.

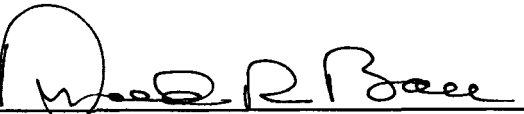
4 PASSED, APPROVED AND ADOPTED at a Joint Special Meeting of the
5 Carlsbad Municipal Water District Board of Directors and Carlsbad City Council held on
6 the 2nd day of June, 2009, by the following vote:

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9 AYES: Board Members Lewis, Kulchin, Hall, Packard and Blackburn.

10 NOES: None.

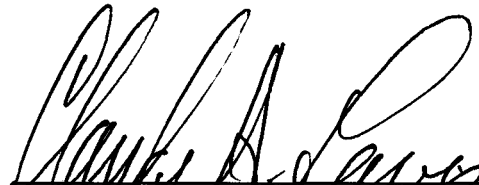
11 ABSENT: None.

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13 APPROVED AS TO FORM AND LEGALITY:

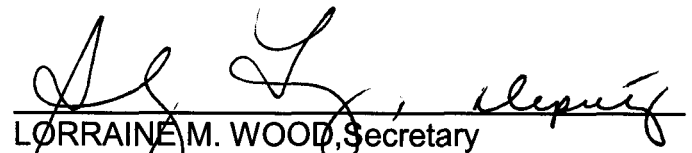
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RONALD R. BALL, General Counsel

6/3/2009.

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CLAUDE A. LEWIS, President

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21 ATTEST:

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LORRAINE M. WOOD, Secretary
(SEAL)



DELEGATION AGREEMENT

Between the California Department of Health Services
and the County of San Diego Department of Environmental Health

For Conduct of the Recycled Water Program

Whereas Section 13554.2 of the California Water Code allows the Department of Health Services (hereinafter Department) to delegate all or part of the duties the Department performs in connection with the proposed use of recycled water to local health agencies under specified conditions and, if in the judgment of the Department, the local health agency demonstrates that these duties can be performed adequately; and

Whereas the Department has adopted regulations specifying the minimum treatment and use requirements for the use of recycled water; and

Whereas the Department has developed criteria, policies and procedures relating to the delegation of water reclamation responsibilities to local health agencies ("Water Reclamation Program Guidance Manual dated January 1996"), included herein as Appendix No. 1; and

Whereas the County of San Diego, Department of Environmental Health (hereinafter County) has submitted an application to the Department requesting delegation for the review of proposed recycled water use areas, use site distribution plans, complete cross connection control shutdown testing and use site inspections; and

Whereas the Department has reviewed the application and supporting information submitted by the County and determined that the County has adequately demonstrated that it has the capability of conducting the required review of recycled use sites in compliance with the regulations and criteria as established by the Department;

Therefore, based on these facts and findings, the Department hereby delegates the authority granted by the California Water Code to perform certain duties in connection with proposed water recycling projects to the County of San Diego, Department of Environmental Health. This delegation is made pursuant to the provisions of Section 13554.2 of the California Water Code and is subject to the following provisions:

1. The designated local agency for the County of San Diego shall be the Department of Environmental Health.

2. This delegation does not include projects that:
 - a. Require processing of a new Master Permit to be issued by the Regional Water Quality Control Board (RWQCB);
 - b. Include groundwater recharge or surface supply augmentation;
 - c. Involve the construction of or modification to a disinfected tertiary treatment plant;
 - d. Involve non-restricted recreational impoundments;
 - e. Relate to any use not addressed by Title 22;
 - f. Does not have the written concurrence of the project proponent, and
 - g. The Department determines that the project should be reserved for review by the Department due to an overriding State interest.
3. The County shall comply with the policies and procedures set forth in the Department's Water Reclamation Program Guidance Manual dated January 1996 and all provisions of the Memorandum of Agreement (MOA) between the Department and the State Water Resources Control Board, included herein as Appendix No. 2.
4. The County shall comply with all procedures and deadlines set forth in the law and regulations.
5. The County agrees that Title 22 Regulation and Criteria will serve as the basis for project approvals or denials and for establishing requirements on water recycling projects, and that standards more stringent than those set forth in Title 22 shall not be imposed without Departmental concurrence.
6. No cost reimbursement shall be provided by the Department. The County shall establish its own cost recovery system pursuant to Water Code section 13554.2, Sections 116800 through 116820, California Health and Safety Code and local ordinances.
7. Only those recycled water tasks and master permitted projects referred to the County in writing by the Department shall be subject to review and billing pursuant to Water Code 13554.2 and to provisions of this Delegation Agreement.
8. The County shall send copies of all project approvals or denials (whether to a project proponent or a RWQCB) to the Department.
9. The County may establish a use site monitoring program based on the provisions of Section 116800 through 116820 of the State of California Health and Safety Code.
10. The County shall monitor initial and recurring recycled water cross-connection control shut down tests on sites with both a recycled water and a potable water distribution system for the protection of the on site drinking water in accordance with Title 22 section 60316.
11. The installation of on site recycled water distribution systems will be inspected by qualified County staff to ensure installation compliance with approved plans.

12. As witnessed by the signatures below, the Department and the County hereby agree to accept and abide by the terms and conditions of this agreement. Should any provision of this agreement be determined to be in conflict with the provisions of the Health and Safety Code or the California Code of Regulations, the provisions of those codes shall prevail. This agreement shall become operative as of July 1, 2001, and shall remain in effect unless terminated by either agency following 30 days written notice, and may be amended at any time by mutual agreement between the agencies.

Brian Bernador

Division Chief San Diego District Engineer
State of California
Department of Health Services
Drinking Water and Environmental Management Division

Date: 6-8-01

Lawrence Cook

Director
County of San Diego
Department of Environmental Health

Date: 5/11/01

Approved in the form
of the County
[Signature]